



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/05/2021

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PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.6642 of 2021

M.Arun Pandi

... Petitioner/Accused Rank Not Known

Vs

The State of Tamil Nadu
Rep.by its The Inspector of Police,
Avaniyapuram Police Station(L and O)
Madurai City, Madurai District,
Crime No.325/2021. ... Respondent/Complainant

For Petitioner : Mr.R.Babu Jaganath
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.325 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the respondent police for the offence punishable under section 379 of IPC in Crime No.325 of 2021 on the file of the respondent police seeks anticipatory bail.

3.The case of the prosecution is that on 10.04.2021 at 08.00 pm., the defacto complainant said to have parked his vehicle bearing Reg.No.TN 64 E 8582 nearby Santhoesh Nagar Wine Shop and went into the shop. When he returned back, he found that his vehicle was missing. Hence, the complaint.



4.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. Hence, the learned counsel seeks anticipatory bail to the petitioner.

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5.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the vehicle has been recovered by the respondent police.

6.Taking into consideration the facts and circumstances of the case and also the fact that the vehicle has been recovered, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.6, Madurai District and on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the Court concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

(b)the petitioner is directed to deposit a sum of Rs.500/- (Rupees Five Hundred only) to the credit of IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and



(g) if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/05/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE NO.6,
MADURAI DISTRICT.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION(L AND O)
MADURAI CITY, MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI - 9.

ORDER
IN
CRL OP(MD) No.6642 of 2021
Date :13/05/2021

MM/IAS
AE/AKM/SAR-I/20.05.2021/3P/6C