



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10507 of 2021

S.Selvam

... Petitioner/Accused Rank Not Known

Vs

The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District
(Crime No.Not Known of 2021). ... Respondent/Complainant

For Petitioner : Mr.E.Marees Kumar,
Advocate.

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. Not Known of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of IPC in Crime No.Not Known of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the father of the defacto complainant. The defacto complainant preferred a complaint stating that the petitioner has stolen the sale deed from their house and mortgaged the same in a private Finance Company. The said complaint was lodged on 18.07.2021 and it is treated as petition enquiry.

3.The learned counsel for the petitioner submits that the petitioner and the defacto complainant are living in the same house and the property has been mortgaged for a sum of Rs.2,00,000/- for family expenses. He further submits that the



petitioner is a Government Servant working in Tamil Nadu Electricity Board.

4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent Police.

5. Considering the nature of allegation against this petitioner and the status of the petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is allowed.

6. The petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Sivakasi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before respondent police daily at 10.30 am., until further orders.

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

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

(e) 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;

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

sd/-
27/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI



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.I, Sivakasi
2. Do Through The Chief Judicial Magistrate,
Viruthunagar District at Srivilliputtur.
3. The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.10507 of 2021
Date : 27.08.2021

TR/SKN/SAR-I (27.09.2021) 3P 5C