



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11362 of 2021

Mani @ Manivannan ... Petitioner/Accused No 3

Vs

the state rep.by
The Inspector of Police,
Mathichiyam Police Station,
Madurai City.
(Crime No.405 of 2021).

... Respondent/Complainant

For Petitioner : Mr.A.Balaji

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.405 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 offences punishable under Section 379 IPC in Crime No.405 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as a Security in corona special ward, Madurai. On 24.08.2021, about 12.00 pm., the defacto complainant and his



brother parked his two wheeler bearing registration No.TN59BL5776 in front of saloon shop near Anna Bus stand and went to a nearby hotel. While they returned, the first accused and two others have taken his vehicle. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is also working in the same hospital and due to some dispute, the present case has been foisted as against the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the two wheeler of the defacto complainant was recovered.

5.Considering the nature of allegation levelled against the petitioner and also the fact that the two wheeler of the defacto complainant was also recovered, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, 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



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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/08/2021

/ TRUE COPY /

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

GNS

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.II,
Madurai.
- 2.Do through
The Chief Judicial Magistrate,
Madurai
- 3.The Inspector of Police,
Mathichiyam Police Station,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KB/SKN/SAR-III (09.09.2021) 4P 5C