



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16672 of 2021

Palanikumar

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District
(Crime No.380 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Deepan Uday, Advocate.

For Respondent : M/s.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.380 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 Sections 294(b), 323, 427, 506(i) and 379 of IPC, in Crime No.380 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has stolen the radio which was fixed in the defacto complainant's TATA Ace bearing Registration No.TN-63-AP-4733. When it came to the knowledge of the defacto complainant, he questioned the petitioner about the theft. At that time, the petitioner abused the defacto complainant in filthy language and assaulted him. Therefore, the present case came to be registered.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. However, to show his bonafide, the petitioner has come forward to pay a sum of Rs.10,000/- to the defacto complainant.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner has caused damage to the defacto complainant's vehicle and stolen the radio which belongs to the defacto complainant.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, and his willingness to pay a sum of Rs.10,000/- to the defacto complainant, 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, Manamadurai, Sivagangai District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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 the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall draw a Demand Draft for a sum of Rs.10,000/- (Rupees Ten Thousand Only) in the name of the defacto complainant and handover the same to the respondent Police. The respondent Police, in turn, shall hand over the Demand Draft to the defacto complainant.

[d]the petitioner shall not tamper with the 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]**.



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

WEB COPY

/ TRUE COPY /

Sd/-
02/11/2021

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

ssb

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,
MANAMADURAI, SIVAGANGAI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.DEEPAN UDAY Advocate SR.No.7806

ORDER
IN
CRL OP(MD) No.16672 of 2021
Date :02/11/2021