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CRL OP(MD) . No.17033 of 2021

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.17033 of 2021

Pandi @ Sundhara Pandi ... Petitioner/Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Lalgudi Police Station,
Trichy District.
Cr.No.768 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Maran M,
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.768 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.768 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 19.10.2021, the defacto complainant has tied his three goats in front of his house and went to sleep. On 20.10.2021 at around 03.00 a.m., the defacto complainant found that two of his goats were missing and searched in various places, but he could not find it. Therefore, the defacto complainant lodged a complaint before the respondent Police. After

<https://hcservices.ecourts.gov.in/hcservices/>



registering the case, the respondent Police arrested two persons namely Akash, Meiarasu and recorded the confession statement from the above said Meiarasu. Based on the confession statement, the petitioner's name was included in the First Information Report.

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3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the stolen properties have been recovered and there is no previous case pending against the petitioner.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the antecedent of the petitioner and also the fact that the stolen properties have been 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, Lalgudi, 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 a.m., 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]**.



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

sd/-

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Sub-Assistant Registrar (C.S.)
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, Lalgudi.
2. -do-Through The Chief Judicial Magistrate, Trichy.
3. The Inspector of Police,
Lalgudi Police Station,
Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.17033 of 2021

Date : 02/11/2021

RD/VR/SAR-II (11.11.2021) 3P 5C