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

Date : 18/11/2021

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD). No.18004 of 2021

1.Anbuselvan

2.Ananthi

... Petitioners/Accused rank not Known

Vs

State Rep.by

The Inspector of Police,  
Anna Nagar Police Station,  
Madurai City.

Cr.No.1559 of 2018.

... Respondent/Complainant

For Petitioners : M/s.Solaisamy M,  
Advocate.

For Respondent : Mr.SS.Madhavan,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.1559 of 2018 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC, in Crime No. 1559 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 18.11.20218, at about 02.20 am, the defacto complainant parked his car in front of his house, at that time, some unidentified persons stolen the car of the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.



4.The learned Government Advocate(Crl.Side) would submit that the property has been recovered.

5.It is not in dispute that that the petitioners have filed a petition in Crl.OP(MD)No.22658 of 2018, seeking anticipatory bail and this Court vide order dated 21.12.2018 has granted anticipatory bail with certain conditions.

6.The learned counsel for the petitioners would submit that since the then Inspector of Annanagar Police Station, has decided to close the case, they have not complied with the Court order. But the successor in Office is keeping the case pending, the petitioners are constrained to approach this Court for anticipatory bail again.

7.Considering the facts and circumstances of the case and also the fact that already the petitioners were granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

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

(d)the petitioners 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***



**5560J; and;**

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

sd/-  
18/11/2021

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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.VI, Madurai.
- 2.Do-Through The Chief Judicial Magistrate,  
Madurai District.
- 3.The Inspector of Police,  
Anna Nagar Police Station,  
Madurai City. Cr.No.1559 of 2018.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to Mr.M.Solaisamy, Advocate (SR-8306)

ORDER  
IN  
CRL OP(MD) No.18004 of 2021  
Date :18/11/2021

**RS/VR/SAR2 (24.11.2021) 3P 6C**