



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

Date : 22/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.18244 of 2021

WEB COPY

1. Lakshmanan,
2. Karthick Kumar, ... Petitioners/Accused Rank not known

Vs

State Rep. By
The Inspector of Police,
Sivakasi Police Station,
Virudhunagar District.
Cr.No. 423 of 2021. ... Respondent/Complainant

For Petitioner : Mr.A.Suresh Babu
for M/s.Sankarakumarakuruparan K.P,
Advocate.
For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.423 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused (Rank not known), who apprehend arrest at
the hands of the respondent police for the offences punishable under
Sections 454, 457 and 380 of IPC, in Crime No.423 of 2021, seek
anticipatory bail.

2.The case of the prosecution is that the petitioners herein
and the other accused have stolen 56 fireworks boxes worth about
Rs.84,000/-, which were kept in the godown of the defacto
complainant. Hence the complaint.

3.The learned counsel for the petitioners would submit that the
petitioners are innocent persons and they have not committed any
offence as alleged by the prosecution. He would further submit that
only based upon the confession statement of the co-accused, these
petitioners have been falsely implicated in this case.

<https://hcservices.court.gov.in/hcservices>
4.The learned Government Advocate (Crl.Side) would submit that
stolen property was recovered and three previous cases are pending
against the second petitioner and one is similar in nature.



5.Considering the submission made by the learned Government Advocate (Crl.Side), this Criminal Original Petition is dismissed, in respect of the second petitioner is concerned.

6.Considering the facts and circumstances of the case, and considering the fact that the property was recovered, that only based upon the confession statement of the co-accused, the petitioners herein were arrayed as accused and that no previous case is pending against the first petitioner is concerned, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

7. Accordingly, the first 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 learned Judicial Magistrate I, Sivakasi, on condition that the first 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 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 first 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 Aadhar card or Bank pass Book to ensure their identity;

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

(d)the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/11/2021

/ TRUE COPY /



DSS

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 LEARNED JUDICIAL MAGISTRATE I, SIVAKASI.

2.DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
SIVAKASI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.P.SANKARAKUMARA KURUPARAN, Advocate (SR-8431[I]
dated 24/11/2021)

ORDER

IN

CRL OP(MD) No.18244 of 2021

Date :22/11/2021

SB/VR/SAR-III/26.11.2021/3P/6C