



WEB COPY

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

Date : 01/12/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18307 of 2021

Balu ... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Bodinayakanur Town Police Station,
Theni District.
(Crime No.1329 of 2021). ... Respondent/Complainant

Chandran ... Petitioner/De-facto
Complainant(Intervener)
(Crl MP(MD)No.10366/2021)

For Petitioner : M/s.R.Senthilkumar, Advocate.

For Respondent : M/s.S.Manikandan,
Government Advocate (Crl.Side)

For Intervener : M/s.B.Pandiyaraj, Advocate.

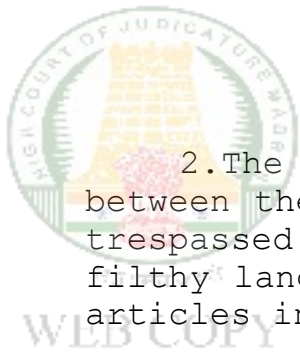
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.1329 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 379, 448, 427 and 506(ii) I.P.C, in Cr.No.1329 of 2021, seeks anticipatory bail.



2. The case of the prosecution is that there was previous enmity between the parties and due to that, the petitioner had criminally trespassed into the store room of the *defacto* complainant, abused in filthy language against the *defacto* complainant and had stolen some articles in the store room. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. No one was injured in the incident. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the investigation is not yet completed and that no one was injured in the incident. He would further submit that the petitioner is not having any previous case.

5. Considering the facts that there existed previous enmity between the parties, that no one was injured in the incident, that except the offence under Sections 379, 506(ii) IPC, all other offences are bailable in nature and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6. Accordingly, the 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, Bodinayakannur 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 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 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 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 petitioner shall not tamper with 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]**; and;

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

Sd/-
01/12/2021

/ TRUE COPY /

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

PNM

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

+ 1 C.C.TO M/S.R.SENTHIL KUMAR, ADVOCATE S.R.NO.8701

ORDER
IN
CRL OP(MD) No.18307 of 2021
Date :01/12/2021