



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 03/12/2021  
PRESENT

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

WEB COPY

**CRL OP(MD) . Nos.19114, 19117 and 19125 of 2021**

Bharathi

... Petitioner/Accused No.2  
in all the petitions

**Vs**

The State rep.by  
The Sub Inspector of Police,  
Town Police Station, Rameswaram,  
Ramanathapuram District.  
(Cr.No. 277/2021).

... Respondent/Complainant  
in CRL OP(MD).No.19114 of 2021

(Cr.No. 237/2021)

... Respondent/Complainant  
in CRL OP(MD).No.19125 of 2021

The Sub Inspector of Police,  
Thangachimadam Police Station, Rameswaram,  
Ramanathapuram District.  
(Cr.No. 53/2021).

... Respondent/Complainant  
in CRL OP(MD).No.19117 of 2021

**In all the petitions:**

For Petitioner : Mr.K.Gokul,  
Advocate.

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

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

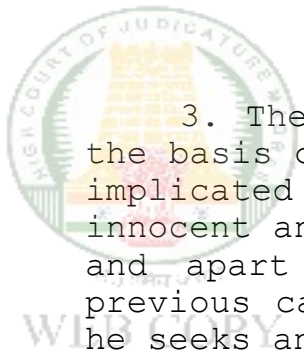
**COMMON PRAYER :**

For Anticipatory Bail in Crime Nos. 277,53,237/2021 on the file  
of the respondent Police.

**COMMON ORDER :** The Court made the following order :-

In all these petitions, the petitioner/accused, who apprehends  
arrest at the hands of the respondent police for the offences  
punishable under Sections 454 and 380 IPC, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had  
entered into the house of the *defacto* complainant and committed  
theft. Hence, the present complaint.



3. The learned counsel for the petitioner would submit that on the basis of the confession of the first accused, the petitioner was implicated as accused in these cases, that the petitioner is innocent and not committed any offence as alleged by the prosecution and apart from these cases, the petitioner is not having any previous case. Co-accused was arrested and released on bail. 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 apart from these cases, the petitioner is not having any previous case at his credit.

5. Considering the facts and circumstances of this case and also the facts that the main accused ie., A1 was arrested and released on bail, that except these three cases, the petitioner is not having any other cases for similar or property offence and that the properties have already been recovered, 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, Rameshwaram, 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, (FOR EACH CASE) 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:

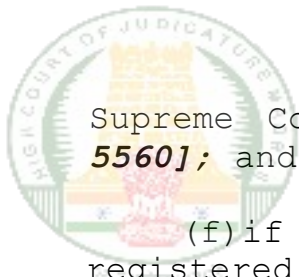
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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.

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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  
RAMESWARAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,  
TOWN POLICE STATION, RAMESWARAM,  
RAMANATHAPURAM DISTRICT.
- 4 THE SUB INSPECTOR OF POLICE,  
THANGACHIMADAM POLICE STATION, RAMESWARAM,  
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

**ORDER  
IN**

CRL OP(MD) . Nos.19114, 19117  
and 19125 of 2021  
Date :03/12/2021

SA/PN/SAR.3/09.12.2021/3P/6C