



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.140 of 2022

1.Elumalai
2.Murali
3.Manivannan
4.Prabakar

... Petitioners

Versus

The State of Tamil Nadu represented by
The Inspector of Police,
Thavalakuppam Police Station,
Puducherry.
(Crime No.137 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of his arrest in Crime No.137 of 2021 on the file of the respondent police.

For Petitioners : Mr.P.Krishnamurthi

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 379 r/w 34 of IPC in Crime No.137 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners originally involved in theft incident on 18.12.2021 as alleged in the FIR but at the moment they seen the respondent police, they left the stolen sand in the place of occurrence itself and ran away and hence the petitioners have not carried the stolen sands anywhere and they never gained even a single pie with the stolen property since they dropped all the sands in the place of occurrence itself. Hence the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the *learned Judicial Magistrate - I, Puducherry*, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of the Registered Advocate Clerk Association, Puducherry District within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below.

[b] 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.

[c] the petitioners are directed to report before the respondent police on every Wednesday at 10.30 a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.



[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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].

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

-sd/-

06/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-I,
PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THAVALAKUPPAM POLICE STATION,
PUDUCHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY.

5 THE REGISTERED
ADVOCATE CLER ASSOCIATION,
PUDUCHERRY DISTRICT.

+1CC to M/S.P.KRISHNAMURTHI Advocate on payment of necessary charges SR.No.287

CRL OP.140/2022

Date :06/01/2022

CSK 11/01/2022