



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.652 of 2022

1.Balasubramani
2.Baskar

... Petitioners

Vs.

The State Rep.by
The Inspector of Police,
Komarapalayam Police Station,
Namakkal District.
Crime No.230 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on Anticipatory bail in the event of their arrest by the respondent police in Crime No.230 of 2021 on the file of the respondent police.

For Petitioners : Ms.S.Rithika

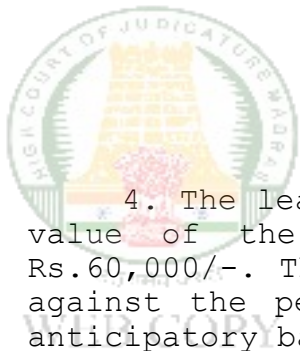
For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Crime No.230 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 24.03.2021, the petitioners have stolen 4 goats and 2 lambs of the defacto complainant which were tied in front of the defacto complainant's house. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that the value of the goats stolen by the petitioners are worth about Rs.60,000/-. There are three previous cases of similar nature pending against the petitioners. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered 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, Komarapalayam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further conditions that:

(a) The petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) each to the credit of the Crime No.230 of 2021.

(b) the defacto complainant is permitted to withdraw the said deposit amount of Rs.20,000/- (Rupees Twenty Thousand Only) on proper identification and acknowledgment;

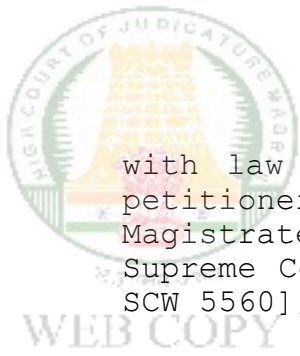
(c) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police on Tuesday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for an interrogation;

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

(f) the petitioners shall not abscond either during investigation or trial;

(g) 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 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;

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

-sd/-
12/01/2022

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,
KOMARAPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KOMARAPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.VIJAYARAGAVAN Advocate on payment of necessary charges SR.NO.675

CRL OP.652/2022

Date :12/01/2022

JPA 20/01/2022