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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

CORAM:

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

Crl.O.P.No.886 of 2022

R.Sakthivel

... Petitioner

Vs.

State represented by
The Station House Officer,
Inspector of Police,
Thalaivasal Police Station,
Salem District.
(Crime No.60 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on Anticipatory Bail in the event of his arrest by the respondent police in Cr.No.60 of 2020 on the file of the Station House Officer, Thalaivasal Police Station, Salem District.

For Petitioner : Mr.R.Lokeshwaran

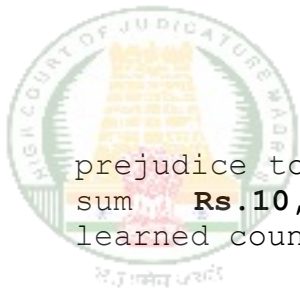
For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 457 (1) and 380 of IPC in Crime No.60 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/accused had stolen the two Gas Cylinders, Cookers, Mixer Grinder, Weighing Machine from Nutrition Centre of the PUES School, Sarvai Pudhur Village, Sarvai Post, Attur Taluk. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he submits that the petitioner without



prejudice to his defence, on his own volition, is ready to deposit a sum of **Rs.10,000/-** to the credit of concerned school. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) raised objection stating that the petitioner stolen the 2 number of cylinders, one five litre cooker, one mixer grinder and weighing machine from the Nutrition Centre of PUES School, Sarvai Pudhur Village, Sarvai Post, Attur Taluk, Salem District.

5. Considering the facts and circumstances of the case and also the facts that the petitioner without prejudice to his defence, on his own volition, is ready to deposit a sum of **Rs.10,000/-** to the credit of PUES School, Sarvai Pudhur Village, Sarvai Post, Attur Taluk, Salem District, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his 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 **learned Judicial Magistrate- 11, Aattur, Salem District**, on condition that the petitioner 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 petitioner is directed to deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** to the credit of **PUES School, Sarvai Pudhur Village, Sarvai Post, Attur Taluk, Salem District** within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below;

[b] the petitioner 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;

[c] **the petitioner shall report before the respondent police on every Saturday at 10.30 a.m. for a period of four weeks;**

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



[e] the petitioner 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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

7. The Chief Educational Officer shall submit the necessary proof with regard to the expenditure incurred and works that were done for the improvement/rehabilitation of the schools in the District before the Director of School Education as and when such works are completed by utilising the money as ordered by this Court.

-sd/-
19/01/2022

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-II,
AATTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER IN
SPECTOR OF POLICE, THALAIVASAL POLICE
STATION, SALEM DISTRICT



5 THE PUES SCHOOL,
SARVAI PUDHUR VILLAGE,
SARVAI POST, ATTUR TALUK,
SALEM DISTRICT.

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CC to M/S.R.LOKESHWARAN Advocate on payment of necessary charges

CRL OP.886/2022

Date :19/01/2022

TA-01/02/2022