



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Second day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.4264 of 2022

M.MANI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
STEEL PLANT POLICE STATION,
SALEM CITY,
CRIME NO.28/2022.

[RESPONDENT]

For Petitioner : M/S. J.FRANKLIN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Section 379 of IPC in Crime No.28 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 13.02.2022, the cow belongs to the defacto complainant was stolen by one, Malliga and the petitioner herein assisted her. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that as of now the cow alleged to be stolen away at the relevant point of time was recovered by the respondent police. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Mr.S.Santhosh, learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the cow belongs to the defacto complainant was stolen by the first accused and the petitioner herein who is the second accused assisted the first



accused. However he admits the stolen cow was recovered from the first accused.

5. The submissions made by the learned counsel on either side are considered.

6. The respondent police registered a case against the petitioner and another person for the offences punishable under Section 379 of IPC. It is the specific submission made by the learned Government Advocate (crl.side) appearing for the respondent police that the cow belongs to the defacto complainant was recovered from the first accused. In otherwise, custodial interrogation of the petitioner is not necessary for completing investigation.

7. Hence, taking note of all the above said aspects into consideration and the nature of offence committed by this petitioner, this court is inclined to grant anticipatory bail to the petitioner on certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate-I, Salem**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties 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 condition that:

(a) the petitioner and the sureties shall affix his 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;

(b) the petitioner shall report before the respondent police daily at 10.00 a.m. for a period of 30 days and thereafter, as and when required for investigation.

(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/-

22/02/2022

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,
NO.I, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
STEEL PLANT POLICE STATION,
SALEM CITY.

+1 CC to M/S. J.FRANKLIN Advocate on payment of necessary
charges SR.NO.2766

CRL OP.4264/2022

Date :22/02/2022

TA-28/02/2022