



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fifth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6853 of 2022

1 K.KAVIDHASAN
2 MATHANRAJ

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLCE,
PORAIYUR POLICE STATION,
MAYILADUTHURAI DISTRICT.
CRIME NO.66 OF 2022

[RESPONDENT]

For Petitioner : M/S.E.KANNADASAN, Advocate for
M/S. M. MACHAVATHARAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC in Crime No.66 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The First Information Report is registered for the theft of battery from the heavy vehicle parked inside the Cashew factory which was stolen by four unknown persons and the FIR was lodged by the watchman of the Cashew factory. Later A1 and A2 were arrested based on the confession statement given by the other co-accused. The respondent police was informed that at the instance of the main accused A1 and A2, the plan was executed by A3 and A4 under the leadership of A4. A3 and A4 are the petitioners herein and they are before this Court seeking anticipatory bail.



3. The learned Government Advocate (Crl.side).states that the stolen articles were recovered from the arrested accused A1 and A2.

WEB COPY

4. In such circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned District Munsif cum Judicial Magistrate, Tharangambadi on condition that each of the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioners shall report before the Investigating Officer daily 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 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.

WEB COPY

-sd/-

25/03/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THARANGAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PORAIYUR POLICE STATION,
MAYILADUTHURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M. MACHAVATHARAN Advocate on payment of necessary charges SR.NO. 4515

CRL OP.6853/2022

Date :25/03/2022

RW 29/03/2022