



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.1580 of 2022

1.Gurunathan

2.Mathankumar ...Petitioners/Accused Rank not known

Vs.

The State Rep. by,
The Inspector of Police,
Vatchakarapatti Police Station,
Virudhunagar District.
(Crime No. 4 of 2022).

... Respondent/Complainant

For Petitioners: Mr.S.M.Anantha Murugan, Advocate.

For Respondent : Mr.M.Muthu Manikkam,
Government Advocate (Criminal Side)

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

PRAYER :-

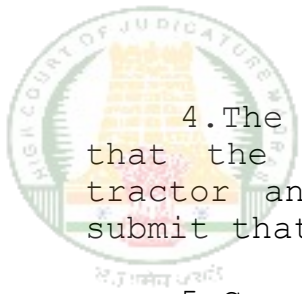
For Anticipatory Bail in Crime No. 4 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 I.P.C, in Cr.No.4 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is an agriculturist and he is doing agriculture work with the help of his paternal uncle's tractor and tailor, at that time, the petitioners along with the other accused have stolen the tractor and tailor. Hence, the present complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail for the petitioners.



4.The learned Government Advocate (Criminal Side) would submit that the petitioners along with other accused have stolen the tractor and tailor of the defacto complainant. He would further submit that no previous case is pending against the petitioners.

5.Considering the nature of the charges levelled against the petitioners and also the facts that the property has been recovered, that the co-accused were already released on bail, that the petitioners are not having any previous cases for similar or serious offence, this Court is inclined to grant bail to the petitioners, with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Virudhunagar, Virudhunagar District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) 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;

(b)the petitioners shall report before the respondent police daily at 10.30a.m., for period of one month and thereafter as and when required for interrogation.

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

(d)the petitioners 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 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;

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

sd/-

14/02/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
VATCHAKARAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CCto Mr.S.M.ANANTHA MURUGAN, Advocate (SR-1100[I]dated 15/02/2022)

ORDER

IN

CRL OP(MD) No.1580 of 2022

Date :14/02/2022

PKP/JM/SAR-2/18.02.2022/3P/6C