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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.14087 of 2022

Rajasekaran

... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
Crime No.203 of 2022.

... Respondent/Complainant

For Petitioner : Mr.P.Andiraj, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

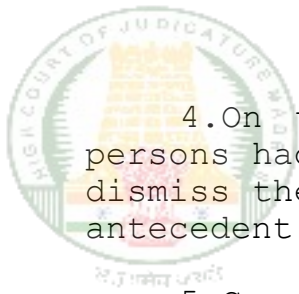
For Anticipatory Bail in Crime No.203 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 I.P.C, in Crime No.203 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons had stolen the Enfield Motor Bike from the police custody. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner is arrayed as A3. Based on the confession of A2, he was implicated in this case and that the stolen property also recovered. Co-accused was already released on bail. A false case was foisted against the petitioner and prayed to released the petitioner on anticipatory bail.



4. On the side of prosecution, it is stated that the persons had stolen the vehicle from the police custody and prayed to dismiss the petition. However, the petitioner is not having any bad antecedent.

5. Considering the nature of the offence, that the co-accused was already released on bail and the fact that the petitioner is not having any bad antecedent, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Andipatti, Theni 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a) the petitioner 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 petitioner shall report before the respondent police daily at 10.30 am until further orders.

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

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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/-
13/09/2022

/ TRUE COPY /

/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
ANDIPATTI, THENI DISTRICT.

2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.ANDIRAJ, Advocate (SR-10013[I] dated 15/09/2022)

ORDER

IN

CRL OP(MD) No.14087 of 2022

Date :13/09/2022

pnm

PKP/SVR/SAR-2/20.09.2022/3P/6C