



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/09/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.14875 of 2022

V.Shanmugam

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Karur Town Police Station,
Karur District.
(Crime No.529/22).

... Respondent/Complainant

For Petitioner : M/s.R.MATHIYALAGAN
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.529/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 380 of IPC, in Cr.No.529 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, who is a carpenter was asked to open the defacto complainant's bero and to change the lock of the bero. Later, the defacto complainant has found that 6 sovereign of gold chain was missing. Hence she has lodged a complaint against the petitioner herein.

3.The learned counsel for the petitioner submitted that the petitioner and his friend went to the defacto complainant's house to open the bero and then the defacto complainant's husband called the petitioner and his friend to change the lock. But the petitioner sent his friend one Safir to the defacto complainant's house. He has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case and pray the petitioner to be released on anticipatory bail.



4.The learned Government Advocate(Crl.side) submitted the date of occurrence is 14.07.2022 and date of report is on 02.08.2022. No previous case has been filed against the petitioner herein. The missing jewel was not yet recovered and pray the petition to be dismissed.

5.Considering the facts and circumstances of this case, considering the nature of offence this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or her 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, Karur, 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 for a period of two weeks and thereafter, as and when required for interrogation.

(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/-

07/09/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR DISTRICT.

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

+1. CC to M/S.MATHIYALAGAN R Advocate SR.No.9814

ORDER

IN

CRL OP(MD) No.14875 of 2022

Date :07/09/2022

pnn

SA/VRS/SAR.1/13.09.2022/3P/6C