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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16864 of 2022

Abubakkar

... Petitioner/Accused
(Rank Not Known)

Vs

The State rep.by,
The Inspector of Police,
Sankarankovil Town Police Station,
Tenkasi District.
Crime No.27 of 2022..

... Respondent/Complainant

For Petitioner : M/s.Kathirvelu V, Senior counsel
for Mr.Prabhu K. Advocate

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.27 of 2022 on the file of the Respondent Police.

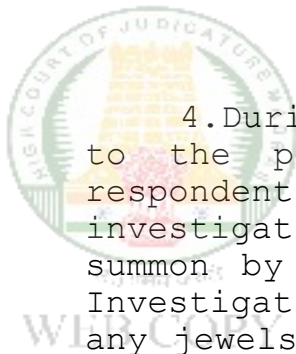
ORDER : The Court made the following order :-

The petitioner/Accused (Rank Not Known), apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 454, 457 & 380 of I.P.C, in Crime No.27 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the mother of the defacto complainant and her brother's wife have stayed in the house of the defacto complainant for one day. Next day i.e, 20.01.2022, at about 08.30 a.m, they have returned to their house and found that 5 Sovereigns of gold jewels were missing from the bureau. Hence, the complaint.

3.This is the third anticipatory bail application. Earlier application filed by the petitioner in Crl.OP(MD)No.15331 of 2022 was dismissed by this Court, on 25.08.2022. After the dismissal of the above said petition, this petition has been filed.

<https://www.mhc.tn.gov.in/jdis>



4. During the course of enquiry, interim protection was granted to the petitioner and he was directed to appear before the respondent police and co-operate with him to complete the investigation. So, on that ground, the petitioner was issued a summon by the respondent police and he also appeared before the Investigating Officer and given a statement that he has not received any jewels from the first accused. Similarly, summon was issued to the first accused and statement was also recorded. It shows that the stolen property was sold to the some other person and he spent that money. It is seen that the first accused given a contrary statement. Which one is true is a matter for investigation.

5. In the light of the above said development, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Sankarankovil, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

28/10/2022

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/11/2022

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

dss

TO

1. THE JUDICIAL MAGISTRATE, SANKARANKOVIL.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
SANKARANKOVIL TOWN POLICE STATION,
TIRUNELVELI DISTRICT.



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

+1 CC to M/s.K.PRABHU, Advocate (SR-12057[I] dated 28/10/2022)

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ORDER

IN

CRL OP(MD) No.16864 of 2022

Date :28/10/2022

RK/GB/SAR-1 (02/11/2022) 3P/6C