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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.16538 of 2022

Mareeswaran

... Petitioner/ 4th Accused

Vs

The State rep.by,
The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
Crime No.324 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Jegadeesan.M, 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.324 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.324 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 03.08.2022, the accused persons had committed theft of 27 pigs, worth about Rs.1,00,000/- of the defacto complainant. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner is arrayed as A4. Co-accused were already arrested and released on bail. A false case was foisted against the petitioner and prayed to release him on anticipatory bail.

4.On the side of prosecution, it is stated that the accused persons had stolen the pigs of the defacto complainant and sold the same to a person. Out of sale proceeds, only Rs.67,000/- was recovered from the



accused persons 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 were 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 shall deposit a sum of **Rs.2,000/- (Rupees Two Thousand only) each to the credit of the District Siddha Medical Officer CCRI PKM, Account No.10767823177, IFSC Code : SBIN0000898, MICR CODE : 625002601, Branch: SBI Periyakulam**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7. On production of such receipt/acknowledgment, 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 Judicial Magistrate No.II, Sattur, 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/-

23/09/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
SATTUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

COPY TO:
THE OFFICER INCHARGE,
DISTRICT SIDDHA MEDICAL OFFICER CCRI
PERIYAKULAM.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-10491[I] dated
26/09/2022)

ORDER
IN
CRL OP(MD) No.16538 of 2022
Date :23/09/2022

PNM
MK/VR/SAR.II/28.09.2022/3P/7C