



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26.09.2022
PRESENT

WEB COPY

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

CRL OP(MD). No.17148 of 2022

Premkumar

... Petitioner/Accused Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Sivagangai Taluk,
Sivagangai District.
Crime NO.159 of 2022.

... Respondent/Complainant

For Petitioner : Mr.P.PRAVEENKUMAR
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.159 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC in Crime No.159 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant's two wheeler was missing. Hence, the complaint.

3.The learned counsel for the petitioner would submit that due to personal motive between the respondent police and the petitioner, he has been falsely implicated in this case and he is innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that there are two accused in this case and A1 was arrested and still in custody and the two wheeler was recovered from A1. The petitioner is arrayed as A2 in this case and he is having two previous cases, which are similar in nature and the investigation is still pending. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.



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

6.Accordingly, the petitioner shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the **Indian Association for the Blind, Alagar Kovil Road, Sundararajanpatti, Madurai**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.II, Sivagangai.

7.On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivagangai, 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 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 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 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.

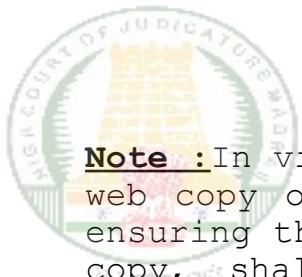
sd/-

26/09/2022

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



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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
INDIAN ASSOCIATION FOR THE BLIND,
ALAGAR KOVIL ROAD, SUNDARARAJANPATTI, MADURAI.

+1. CC to M/S.PRAVEENKUMAR.P Advocate SR.No.10531

ORDER

IN

CRL OP(MD) No.17148 of 2022
Date :26/09/2022

SJI
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