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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2022

PRESENT

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

CRL OP(MD). No.17553 of 2022

K.Manivannan,

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Vedasanthur Police Station,
Dindigul District.
Crime No.246 of 2022.

... Respondent/Complainant

For Petitioner : Mr.R.Sevugaraja,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.246 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of I.P.C, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's cows were found missing on 21.08.2022. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner's name was not found in the First Information Report. Suddenly on 15.09.2022, the respondent police arrested the minor son of the petitioner along with other accused in connection with this case. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, the petitioner shall abide any condition imposed by this Court.



4.The learned Government Advocate (Crl.side) appearing re respondent police would submit that based on the confession statement of co-accused, this petitioner has been implicated in this case. One cow and a sum of Rs.20,000/- were recovered. A2 to A4 were arrested and still in judicial custody. He would further submit that the petitioner is having three previous cases of similar in nature, which were already disposed of and investigation is still pending. Hence, he strongly opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and considering the nature of offence and also the fact that part of the properties have been recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.3,000/- (Rupees Three Thousand only) **to the credit of 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/acknowledgment before the learned Judicial Magistrate, Vedasanthur, Dindigul District.

7.On production of such receipt/acknowledgment, 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, Vedasanthur, Dindigul 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders;

[c]the petitioner shall not tamper with the 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/09/2022

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/10/2022

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

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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.

TO

- 1 THE JUDICIAL MAGISTRATE,
VEDASANTHUR, DINDIGUL DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
VEDASANTHUR POLICE STATION,
DINDIGUL 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.

ORDER
IN
CRL OP(MD) No.17553 of 2022
Date : 30/09/2022

PKP/GB/SAR /10.10.2022/3P/6C