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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27.09.2022

PRESENT

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

CRL OP(MD) . No.17258 of 2022

Madhan

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.
(Crime No.232 of 2021).

... Respondent/Complainant

For Petitioner : Mr.G.Kalidoss, 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.232 of 2021 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 Sections 457 and 380 IPC in Crime No.232 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is working as Supervisor in the TASMACH Shop No.10681 situated at Mullikulam, Kadayanallur Taluk, Tenkasi District. On 21.04.2021, at about 06.30 a.m., the de-facto complainant received a phone call from the staff of the poultry farm, which is situated nearby the TASMACH and informed that the TASMACH shop has been broken. After



that, the de-facto complainant and the sales men went to the shop and found that the shutter lock was broken and the stock was reduced worth about Rs.46,410. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and the petitioner's name was not found in the FIR. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) strongly opposed this petition stating that there are four accused in this case and based on the confession statement of A1, this petitioner has been arrayed as A2 in this case and A3 and A4 were already arrested and still in judicial custody. He would further submit that the petitioner is having three previous cases and the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the nature of the offence alleged, 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 the Head Mistress, MDU East Panchayat Union Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270, IFSC No.SBIN0002246), Phone No.2422950, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Sivagiri, Tenkasi District.

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, Sivagiri, Tenkasi 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 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/-

27/09/2022

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/10/2022

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

SJI

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,
SIVAGIRI, TENKASI DISTRICT.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PULIANGUDI POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE HEAD MISTRESS, MDU EAST PANCHAYAT UNION
PRIMARY SCHOOL, Y.OTHAKADAI, MADURAI.

+1. CC to M/S.KALIDOSS G Advocate SR.No.10590

ORDER

IN

CRL OP(MD) No.17258 of 2022

Date :27/09/2022