



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.17432 of 2022

1. Appunu @ Prasanth

2. Mano @ Manoranjith

3. Purose @ Sarathkumar ... Petitioners/Accused Nos.2,3 & 5

Vs

The State rep.by,
The Inspector of Police,
Town East Police Station,
Thanjavur District.
Crime No.1176 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Maheswaran.R, 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.1176 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 IPC, in Crime No.1176 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 25.08.2022, the accused persons committed theft of tyre along with its disc from a Lorry, which was already seized as a case property by the Police. Therefore, the present case came to be registered.

3. On the side of petitioners, it is stated that the petitioners are innocent and they have been falsely implicated in this case. Based on the confession of co-accused, the petitioners were implicated as A2, A3, A5. The co-accused was already enlarged on



bail. The property also seized by the Police. Hence, to release them on anticipatory bail.

4. On the side of prosecution, it is stated that the petitioners have stolen the tyre along with disc. The petitioners are not having any bad antecedent at their credit. In this case, investigation is not yet completed and hence, strongly oppose to allow this petition.

5. Considering the facts and circumstances of the case, that the property was seized by the respondent Police and the fact that the petitioners are not having any bad antecedent at their credit, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Thanjavur District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar 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 petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners shall be appear 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 petitioners in accordance with law, as if the conditions have been imposed and the petitioners 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

29/09/2022

/ TRUE COPY /

/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
TOWN EAST POLICE STATION, THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.17432 of 2022

Date :29/09/2022

PNM

MK/GB/SAR. /07.10.2022/3P/5C