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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.17508 of 2022

1. V.Sundar,

2. P.Aathish,

... Petitioners/Accused Rank Not known

Vs

State Rep.by
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(Crime No. 290/2022)

... Respondent/Complainant

For Petitioners : Mr.S.Mahendrapathy, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

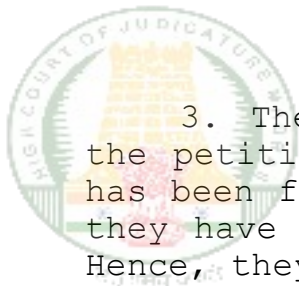
PRAYER :-

For Anticipatory Bail in Crime No. 290 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC, in Crime No.290 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as a Salesman at Pandankudi TASMACH shop. On 10.09.2022, at about 11.30 a.m, he parked and locked his two wheeler Hero Honda Splendor Pro bearing Registration No.TN-59-BZ-7614 on the right side of TASMACH shop. When he came outside at about 5.00 p.m, his two wheeler was found missing. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are students. Due to previous motive, a false case has been foisted against the petitioners and they are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

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4. The learned Government Advocate (Crl.Side) would submit that the based on the confession statement of the accused in Crime No.327 of 2022, Checkanurani Police Station, the present case has been lodged against the petitioners. He would further submit that the petitioner is having one previous case and the property has been recovered and investigation is not yet completed. 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 the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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 learned Judicial Magistrate, Melur, 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 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 petitioners 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 petitioners shall report before the Inspector of Police, Melur Police Station, Madurai District, daily at 10.30 a.m., until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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 thereafter abscond, a fresh FIR registered under Section 229-A IPC.

sd/-
30/09/2022

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/10/2022

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

CP

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,
MELUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSEPCTOR OF POLICE
MELUR POLICE STATION,
MADURAI DISTRICT.

+1 CC to M/s.S.MAHENDRAPATHY, Advocate (SR-10914[I] dated 03/10/2022

ORDER
IN
CRL OP(MD) No.17508 of 2022
Date :30/09/2022

PKP/GB/SAR /10.10.2022/3P/7C