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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17769 of 2022

M.Ullamudaiyar ... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Valliyoor Police Station,
Valliyoor,
Tirunelveli District.
(Crime No.367 of 2021). ... Respondent/Complainant

For Petitioner : M/s.Pragalathan N, Advocate.

For Respondent : Mr.K. Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.367 of 2021 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 alleged offences punishable under Section 379 IPC in Crime No.367 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was walking in a street petitioner and other accused said to have snatched the gold chain of the defacto complainant . Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

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4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the property has recovered and the investigation of the case is almost completed.

5. Considering the facts and circumstances of the case and also considering the fact that the property has been recovered, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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, Valliyoor, Tirunelveli District on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 the respondent police daily at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation.

[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].**

Sd/-
06/10/2022

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/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE JUDICIAL MAGISTRATE,
   VALLIYOOR, TIRUNELVELI DISTRICT.

2. -DO- THROUGH
   THE CHIEF JUDICIAL MAGISTRATE,
   TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
   VALLIYOOR POLICE STATION,
   VALLIYOOR,
   TIRUNELVELI DISTRICT.

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

+1. CC to M/S.PRAGALATHAN N Advocate SR.No.11051

ORDER
IN
CRL OP(MD) No.17769 of 2022
Date :06/10/2022

SP/GB/SAR /10/10/2022/3P/6C

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