



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/10/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI
CRL OP(MD). No.18430 of 2022

WEB COPY

A.Chelladurai

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
(Crime No. 261 of 2022).

... Respondent/Complainant

For Petitioners : M/s.S.P.Veerapandi

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

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

PRAYER :-

For Anticipatory Bail in Crime No.261 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 380 of IPC in Crime No.261 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was money dispute between the parties, on 09.07.2022 at about 03.30 pm, the accused persons broke open the shop of the defacto complainant and stolen articles from the shop. Hence the complaint.

3.On the side of the petitioner, it is stated that the petitioner is innocent and not committed any offence, as alleged by the prosecution. The complainant borrowed a sum of Rs.1,00,000/- from the petitioner. When the petitioner demanded the amount, the defacto complainant, lodged this false complaint. Hence, prays to release the petitioners on anticipatory bail.

4.On the side of the prosecution, it is stated that the petitioner is having two previous cases at his credit. It is stated that the petitioner committed theft from the complainant. There is



no change in circumstances. Property was not yet recovered by the petitioner to be dismissed.

5. Considering the nature of the offence and considering the fact that though the earlier petition was dismissed on 13.09.2022, the respondent has not taken any steps to arrest the petitioner, this Court is inclined to release the petitioner on anticipatory bail on the following conditions:

6. Accordingly, the petitioner is 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 No.V, Tirunelveli, on condition that the petitioner 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 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 for a period of one month and thereafter, as and when required for interrogation.

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

(d) the petitioner shall be present 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 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/-

18/10/2022

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/10/2022

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

TO:

1. The Judicial Magistrate No.V, Tirunelveli.

<https://www.mhc.tn.gov.in/judis>



2.-do-Through The Chief Judicial Magistrate,
Tirunelveli.

3.The Inspector of Police,
Manur Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-11700[I] dated
19/10/2022)

ORDER

IN

CRL OP(MD) No.18430 of 2022

Date :18/10/2022

RD/SSS(27/10/2022) 3P 6C