



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26/10/2022
PRESENT

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

CRL OP(MD) . No.18978 of 2022

- | | |
|-------------------|-----------------------------|
| 1. Surendra Babu, | ... Petitioner/Accused No:2 |
| 2. Chanthira, | ... Petitioner/Accused No:3 |
| 3. Karthikeyan, | ... Petitioner/Accused No:4 |
| 4. Mariyeaye, | ... Petitioner/Accused No:5 |

Vs

The State rep.by
The Sub Inspector of Police,
Viralimalai Police Station,
Pudukottai District.
(Crime No.337/2022)

... Respondent/Complainant

For Petitioners : M/s.Joshua T, Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.337/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.2 to 5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 380, 414, 419, 426, 447, 454, 465, 467, 471, 506(2), 109, 294(b), 506(1) and 427 of IPC in Crime No.337 of 2022, seek anticipatory bail.

2.The case of the prosecution is that accused persons unlawfully assembled together and trespassed into MMK Enterprises and had stolen properties worth about Rs.75 lakhs from there and sold the same. Further it is alleged that the said accused by selling the stolen properties had deposited the said amount in the Virmalai SBI bank in their savings account. Hence, the case came to be reregistered.



3.The learned counsel for the petitioners would submit that a case of civil dispute, which has been given criminal colour. The petitioners 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 initially the case was registered by the Viralmalai Police Station and since huge amount has been involved in this case, now the case has been transferred to the file of the District Crime Branch, Pudukottai. He would also submit that no previous case is pending against the Petitioners and the investigation is still pending. He would also submit that custodial interrogation of the Petitioners is very much required and hence he strongly opposed to grant bail to the Petitioner.

5.Considering the facts and circumstances of the case and considering the nature of offence and also the facts that the petitioners are not having any bad antecedents, 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, Illupur, Pudukottai 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 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;

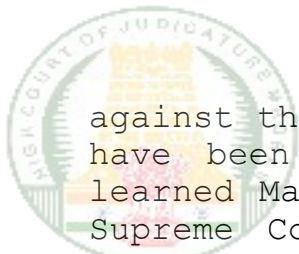
(b) the petitioner is directed to deposit a sum of **Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of Crime No.337 of 2022 before the learned Judicial Magistrate, Illupur, Pudukottai District**, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(c) petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

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

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

26/10/2022

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/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ILLUPUR, PUDUKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JOSHUA T Advocate SR.No.11882

ORDER

IN

CRL OP(MD) No.18978 of 2022

Date :26/10/2022

cp

SA/SBN/SAR.2/08.11.2022/3P/6C