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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2022

PRESENT

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

CRL OP(MD). No.19369 of 2022

Sasikumar ... Petitioner/Accused Rank Not Known

Vs

The State represented by
The Inspector of Police,
Kallikudi Police Station,
Madurai District.
in Crime No.145/2022..

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumaraiah J,
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 Cr No.145/2022 on the file of the respondent police.

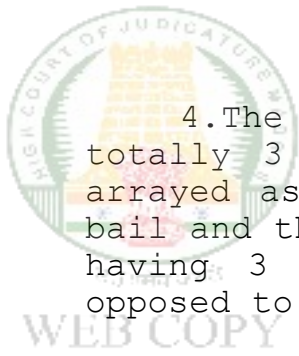
ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC, in Cr.No.145 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 03.10.2022, at about 11.00 p.m, the petitioner along with other accused said to have attempted to stole the goats of the defacto complainant. On seeing that, the cousin brother of the defacto complainant raised alarm against the accused persons. At that time, the accused persons had stolen the tarpaulin worth about Rs.5,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the co-accused (A2 & A3) were released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

<https://www.hcnet.in/>



4.The learned Government Advocate(Crl.Side) would submit that totally 3 accused are involved in this case. The petitioner was arrayed as A1. A2 & A3 were arrested and thereafter, released on bail and the property was recovered. But, however, the petitioner is having 3 previous cases in similar nature. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the property was recovered and the co-accused was released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 until further orders.

(c)the petitioner shall not tamper with 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]**; and;

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

sd/-

02/11/2022

/ TRUE COPY /

/11/2022

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



DSS

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
THIRUMANGALAM.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
KALLIKUDI POLICE STATION, MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.SENTHIL KUMARAI AH J Advocate SR.No.12269

ORDER

IN

CRL OP(MD) No.19369 of 2022

Date :02/11/2022

MGJ/VR/SAR II/10/11/2022/ 3P 6C