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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/11/2022

PRESENT

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

CRL OP(MD). No.20078 of 2022

Mariyappan

... Petitioner/sole Accused

Vs

The State rep.by,
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
(Crime No.335 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Azagarsami A K,
Advocate.

For Respondent : M/S.M.VAIKKAM KARUNANITHI,
Government Advocate(Crl.side)

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

PRAYER :-

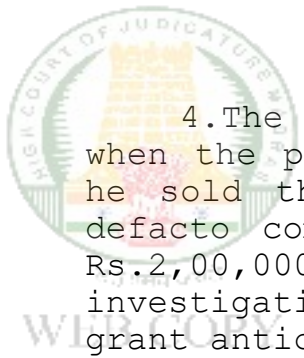
For Anticipatory Bail in Crime No.335 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 381, 417 IPC in Crime.No.335 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner working in the defacto complainant's shop for the past eight years and he has sold the goods in the shop of the defacto complainant to other persons and caused heavy loss to him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.



4.The learned Government Advocate(Crl.Side) would suk at when the petitioner was working in the defacto complainant's shop, he sold the goods to other person without the knowledge of the defacto complainant and caused heavy loss to him to the tune of Rs.2,00,000/-. The stolen property is not yet recovered. The investigation in this case is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the charges levelled against that the petitioner and that there is no bad antecedents against him, 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, Uthamapalayam, Theni 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 is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.335 of 2022, before the Court concerned,** without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b) 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;

(c)the petitioner shall report before the respondent police daily at 10.00 am until further orders.

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

(e)the petitioner 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 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]**

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

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/12/2022

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

TRP

TO

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

ORDER
IN
CRL OP(MD) No.20078 of 2022
Date :14/11/2022

RK/SSS/SAR-2 (07/12/2022) 3P/5C