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

Date : 11/11/2022

PRESENT

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

CRL OP(MD) . No.19947 of 2022

Ramesh

... Petitioner/Sole Accused

Vs

State rep.by
The Sub Inspector of Police,
Pudukottai Police Station,
Thoothukudi District
(In Crime No.266 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Prabhu Rajadurai G, 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.266 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC, in Cr.No.266 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant working as a manager in a hotel, viz., Sathya Resorts owned by one Sundarapandiyan. The defacto complainant's owners had land in S.No.127/2B1A situated to the said hotel. On the date of occurrence, the de-facto complainant went to the said land to inspect the property and found that some persons were cutting the iron rod installed in the said place, which was used to fix the hotel



banners. When the de-facto complainant enquired the said persons, it is informed by them that the petitioner and one another person instructed them to cut the iron rods and they were unaware about its ownership. It is further alleged that the petitioner who was standing there along with another person in the occurrence spot ran out from the spot by left his vehicle. 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. He would further submit that there is a civil dispute pending between one Chellapandian and his brother regarding the ownership and the same is not aware to the petitioner. He would further submit that at the instigation of his employer, the de-facto complainant lodged a false complaint against the petitioner. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner is having one previous case and two witnesses have been examined and the investigation is still pending. Hence, he prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the fact that two witnesses have already been examined, 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 No.III, Thoothukudi, 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 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/-
11/11/2022

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/11/2022

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

sj i

TO

1. THE JUDICIAL MAGISTRATE NO.III
THOOTHUKUDI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
PUDUKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRABHU RAJADURAI G Advocate SR.No.12872

ORDER
IN
CRL OP(MD) No.19947 of 2022
Date :11/11/2022

SP/BUC/SAR III/18/11/2022/3P/6C