



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2022

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PRESENT

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

CRL OP(MD). No.19973 of 2022

P.Manoj ... Petitioner/Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Kk Nagar Police Station,
Trichy District.
(Crime No.795 of 2022).

... Respondent/Complainant

(Amended as per the order of this Court dated 21.11.2022 in
Crl.MP(MD)No.14308 of 2022 in Crl.OP(MD)No.19973 of 2022)

For Petitioner : M/s.Anbarasi M,
Advocate.

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

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

PRAYER :-

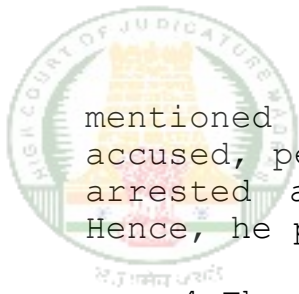
For Anticipatory Bail in Cr No.795/2022 on the file of the
respondent police.

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.795 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with
other accused persons stolen the bike of the defacto complainant,
which was kept in parking. 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. The learned counsel for the respondent would further submit that the petitioners name was not



mentioned in the FIR. Based on the confession statement of accused, petitioner's name was implicated in this case. A1 & A3 were arrested and released on bail and the property was recovered. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit totally 4 accused are involved in this case. The petitioner was arrayed as A4. A1 & A3 were arrested and thereafter, released on bail. Confession of A1, this petitioner was implicated. The stolen bike was recovered. However, the investigation 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 facts that the co-accused were released on bail and the property was recovered, 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.II, Tiruchirappalli, 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/-
21/11/2022

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/12/2022

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 No.II,
Tiruchirappalli.
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Kk Nagar Police Station, Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.19973 of 2022

Date :21/11/2022

RD/BUC/SAR-III(07/12/2022) 3P 5C