



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

Date : 25/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.20889 of 2022

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Ajithkumar

... Petitioner/Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.645/2022).

... Respondent/Complainant

For Petitioner : M/s.Haroon Rasheed D S,
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.645/2022 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 Section 379
of IPC, in Crime No.645 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is working as a TV mechanic and on 01.11.2022, he placed his Oppo
Cellphone in front of his house and slept. On next day i.e.,
02.11.2022, he found that his cell phone was found missing. Hence
the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner has been falsely implicated in this case only for
statistical purpose. He is an innocent person and he did not commit
any offence as alleged by the prosecution. Hence, he may be granted
anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that
the petitioner is having five previous cases and the investigation
in this case is still pending. Hence, he opposed for grant of
anticipatory bail.



5. Considering the facts and circumstances of the case and also considering the charges levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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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, Melur, 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/-

25/11/2022

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/12/2022

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

cp

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TO

1.The Judicial Magistrate,
Melur.

2. -do-Through The Chief Judicial Magistrate, Madurai.

3.The Inspector of Police,
Melur Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.S.HAROON RASHEED, Advocate (SR-13918[I] dated
29/11/2022)

ORDER

IN

CRL OP(MD) No.20889 of 2022

Date :25/11/2022

RD/BUC/SAR-I(08/12/2022) 3P 6C