



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 30/11/2022

PRESENT

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

CRL OP (MD) . No.21141 of 2022

Vasudevan

... Petitioner/Accused Rank Not Known

Vs

The State Rep.by  
The Inspector of Police,  
Navalpattu Police Station,  
Trichy District.  
Crime No.131 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Jameelarasu B,  
Advocate.

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

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

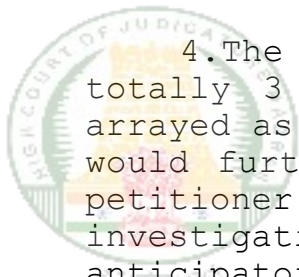
PRAYER :-For Anticipatory Bail in Crime No.131 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 380 of IPC, in Cr.No.131 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 26.09.2022, during night hours, the unnamed persons said to have trespassed into the defacto complainant's Company godown and stolen 10 Kg of iron materials. 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 petitioner's name was not found in the FIR. Based upon the confession statement of A1, the petitioner has been implicated in this case. No previous case is pending against the petitioner 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 that totally 3 accused are involved in this case. The petitioner is arrayed as A3. A1 & A2 were arrested and later, released on bail. He would further submit that no previous case is pending against the petitioner and the property was recovered. However, the investigation is still pending, he strongly opposed to grant anticipatory bail to the petitioner.

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5.Considering the facts and circumstances of the case and also considering the facts that the co-accused were already released on bail, the stolen property was recovered and no bad antecedent is reported against the petitioner, 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 Court No.III, Thiruchirappalli, 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/-  
30/11/2022

/ TRUE COPY /

/12/2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19, 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

WEB COPY

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

ORDER  
IN  
CRL OP(MD) No.21141 of 2022  
Date :30/11/2022

DSS  
MK/VR/SAR III/07.12.2022/3P/5C