



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21483 of 2022

Jeyaganesan

... Petitioner/Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Melur Police Station, Madurai District.
Crime No.644 of 2022.

... Respondent

For Petitioner : M/s.Vishnu J,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

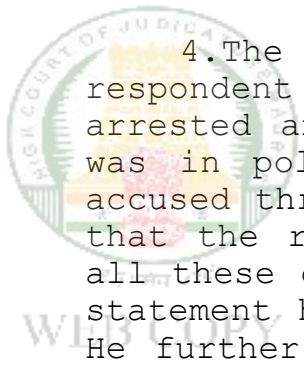
PRAYER :-For Anticipatory Bail in Crime No.644 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 380 IPC in Crime No.644 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 01.11.2022 at about 9.00 pm, before the sleep, the defacto complainant has left the door open and on the next day, the mobile phone was found missing. Hence, the complaint.

3. The learned counsel appearing 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. He further contended that without conducting any preliminary enquiry, straight away a case has been registered against the petitioner and hence, seeks anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner herein was already arrested and remanded in judicial custody on 13.11.2022, while he was in police custody, based on the confession statement of co-accused three cases have been registered against the petitioner and that the respondent police sought for remanding the petitioner in all these cases, whereas the Magistrate disbelieving the confession statement has refused to remand the petitioner in all these cases. He further submitted that the petitioner was already released on bail in Crime No. 178 of 2022 and now, he is unable to appear before the Magistrates to comply with the conditions.

5. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is ready to abide by any of the conditions imposed by this Court and seeks anticipatory bail.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner was already released on bail in Crime No. 178 of 2022, 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Melur, Madurai District on condition that the petitioner shall execute a bond for a sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties (one should be father or mother of the petitioner) each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 appear before the respondent police daily at 5.30 pm 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].



[f] If the accused thereafter absconds, a fresh FII be registered under Section 229A IPC.



sd/-
12/12/2022

/ TRUE COPY /

WEB COPY

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

TO

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

ORDER
IN
CRL OP (MD) No.21483 of 2022
Date :12/12/2022

TRP
MK/VR/SAR 4/22.12.2022/3P/5C