



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21706 of 2022

1.P.Chinnaiah
2.S.Manikandan
3.A.Vijay

...Petitioners/Accused
Rank Not Known

-VS-

The State Rep.By
The Inspector of Police,
Illupur Police Station,
Pudukottai District.
(Cr.No.313 of 2022)

...Respondent/Complainant

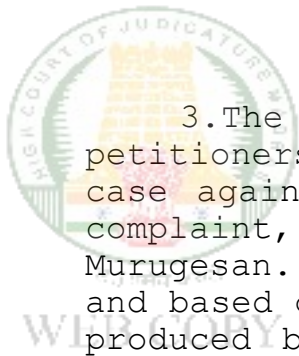
PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.313 of 2022 on the file of the Respondent Police.

For Petitioners	: Mr.G.Mathavan Advocate
For Respondent	: Mr.P.Kottai Chamy Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 457 and 511 of IPC in Crime No.313 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Kanagaraj, is that he is running a steel and cement shop and that on 06.11.2022 at 12.40 am, his Watchman, Murugesan, had called him through a cell phone and saying that some suspicious persons have entered into his shop and attempted to commit theft of steel rods in a 407 van. When he rushed there, he has seen four persons attempting to run away from a vehicle bearing TN-46-0063 and suspecting that one Diesel Murugesan s/o Possathurai Shanmugam was involved in a similar case registered by Iluppur Police Station, he had preferred the complaint. Hence, the complaint.



3.The learned Counsel for the petitioners would submit that the petitioners are innocent and the respondent police has foisted this case against them. He would further submit that even as per the complaint, the de-facto complainant suspected about one Diesel Murugesan. The said Diesel Murugesan is a differently-abled person and based on the mentioning of Murugesan's name, he was arrested and produced before the Court and the learned Magistrate finding the disability of the accused, released him on bail. He would further submit that the petitioners are implicated in this case only based on the alleged confession recorded from the said Murugesan. Other than that, the petitioners have nothing to do with the alleged occurrence.

4.The learned Government Advocate (crl.side) would submit that the petitioners have attempted to commit theft of iron rods from the shop of the de-facto complainant along with one Diesel Murugesan and they escaped from the scene of occurrence. He would further submit that as far as the first petitioner is concerned, he has got two previous cases. He opposes to grant anticipatory bail.

5.Heard the learned Counsel. Perused the F.I.R., and taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

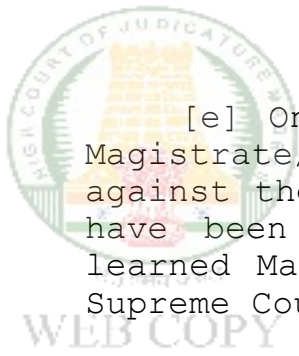
6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Illupur, Pudukottai District, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., and 05.30 pm until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.



[e] On breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 FIR can be registered under Section 229A IPC.

sd/-
08/12/2022

/ TRUE COPY /

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

TO

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

ORDER
IN
CRL OP(MD) No.21706 of 2022
Date :08/12/2022

cmr
USK/SSS/SAR-I/22.12.2022/3P/5C