



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

PRESENT

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

CRL.O.P (MD) No.22405 of 2022

K.Prem @ Prem Kumar

... Petitioner/Accused No.9

-vs-

The State represented by
The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
(in Cr.No.31 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.31 of 2022.

For Petitioner : Mr.K.Dinesh
Advocate

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 457 and 380 IPC in Crime No.31 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 30.01.2021, the petitioner and other accused have broken the shutters of the TASMACH shop and the accused persons had illegally stolen away the liquor bottles worth of Rs.94,390/-. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner's name does not find place in the FIR and his name was included based on the confession of the arrested accused and he would also submit that the arrested accused have been released on bail.



4.The learned Government Advocate (Crl.side) would submit that the petitioner along with other accused have entered into the TASMAC shop, tied the Watchman and threatened him and stolen 487 liquor bottles from the TASMAC shop. He would also submit that the petitioner has no previous case.

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5.Taking into consideration the facts and submissions and also perusing the materials available on record, 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 Court, Thiruppuvanam, 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 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 report before the respondent police everyday at 05.30 p.m., 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 FIR can be registered under Section 229A IPC.

sd/-

19/12/2022

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

CMR

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TO

1. THE JUDICIAL MAGISTRATE,
THIRUPPUVANAM.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.DINESH K, Advocate (SR-15172[I] dated 20/12/2022)

ORDER

IN

CRL OP(MD) No.22405 of 2022

Date :19/12/2022

USK/GB/SAR-III/28.12.2022/3P/6C