



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

PRESENT

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

CRL.O.P (MD) No.22634 of 2022

Suresh

... Petitioner/Sole Accused

-vs-

The State represented by
The Inspector of Police,
Sivaksai Town Police Station,
Virudhunagar District.
(in Cr.No.386 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.386 of 2022.

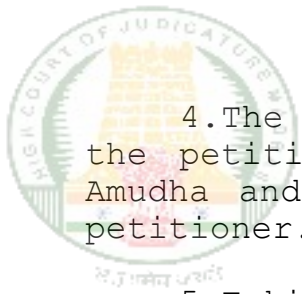
For Petitioner	: Mr.P.R.Prithiviraj Advocate
For Respondent	: Mr.P.Kottai Chamy Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 379 IPC in Crime No.386 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 the petitioner had committed the theft of a mobile phone from one Amudha. 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 was earlier arrested in relation to a case in Cr.No.384 of 2022 registered for the offence under Section 379 of IPC. In that case, when the petitioner was in custody, the respondent police has recorded a confession from him, as if the petitioner is also an accused in Cr.No.386 of 2022. He would also submit that the respondent Police did not take any steps for formal arrest and the petitioner was granted bail in the earlier



4.The learned Government Advocate (Crl.side) would submit that the petitioner had committed the theft of mobile phone from one Amudha and he would oppose for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 No.I, Sivakasi, 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 10.30 a.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/-
23/12/2022

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.I,
SIVAKASI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE,
KOVILPATTI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.K.PRITHIVIRAJ, Advocate (SR-15567[I] dated
26/12/2022)

ORDER
IN
CRL OP(MD) No.22634 of 2022
Date :23/12/2022

USK/SSS/SAR-III/03.01.2023/3P/6C