



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.22992 of 2022

Gnanaprakash

... Petitioner/Accused
(Rank Not Known)

-VS-

The State represented by
The Inspector of Police,
Aruppukottai Town Police Station,
Aruppukottai,
Virudhunagar District.
(in Cr.No.282 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.282 of 2022.

For Petitioner	: Mr.C.Suresh Kannan 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 427, 379 and 611 of IPC in Crime No.282 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Ashokan, is that on 03.12.2022, unknown persons entered to the house of the de-facto complainant and broken 4 CCTV cameras and also attempted to steal the jewels and money. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and due to previous enmity, a false complaint has been given. He would also submit that without prejudice to the petitioner's defence, the petitioner is ready to deposit a sum of Rs.8,000/- towards the alleged damage cost of CCTV cameras to the credit of crime number.



4.The learned Government Advocate (Crl.side) would submit that the petitioner and other accused trespassed into the de-facto complainant's house and damaged 4 CCTV cameras and attempted to steal the jewels and money.

5.Merely, because the petitioners has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall make a deposit of Rs.8,000/- (Rupees Eight Thousand only) to the credit of Crime No.282 of 2022, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioners 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, Aruppukottai, on condition that the petitioners shall execute a 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 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., for a period of four weeks and thereafter, every Saturday 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]**.



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

sd/-
23/12/2022

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/01/2023

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

CMR

TO

1. THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TOWN POLICE STATION,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-15514[I] dated
23/12/2022)

ORDER
IN
CRL OP(MD) No.22992 of 2022
Date :23/12/2022

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