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CRL OP/ML



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/01/2023

PRESENT

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

CRL OP(MD) . No.90 of 2023

Thesigan @ Desigan,

... Petitioner/1 Accused

Vs

State Rep by
The Sub Inspector of Police,
Bodinayakanur Town Police Station,
Theni District.
(Crime No.424 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Kaliraj.M,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

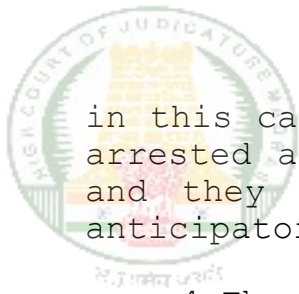
For Anticipatory Bail in Crime No.424 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 and 411 of I.P.C., in Crime No.424 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused had attempted to commit theft of copper pipes. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner/A1 is an innocent person and he has been falsely implicated



in this case. He would further submit that the co-accused 1  en arrested and the stolen articles had also been recovered from them and they have also been released on bail. Hence, he seeks for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner along with the other accused had attempted to commit theft of copper pipes and he would oppose for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and the submissions made by the learned counsels, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

7.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, Bodinayakanur, 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, daily at 10.30 a.m., for a period of four weeks and thereafter, on every Saturday 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].



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

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

SJI

TO

1. The Judicial Magistrate, Bodinayakanur.
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Sub Inspector of Police,
Bodinayakanur Town Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.KALIRAJ.M , Advocate (SR-196[I] dated 05/01/2023)

ORDER

IN

CRL OP(MD) No.90 of 2023

Date : 04/01/2023

TR/BUC/SAR II(10.01.2023) 3P 6C