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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2023

PRESENT

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

CRL OP(MD). No.679 of 2023

1. Karthick,
2. Rajkumar, ... Petitioners/Accused 2 & 3

Vs.

The State rep.by,.
The Inspector of Police,
Pandhanallur Police Station, Thanjavur
District (Crime No.777 of 2022).
... Respondent/Complainant

For Petitioners : M/s.Veerapandi.P,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.777 of 2022 on
the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the
hands of the respondent Police for the offences
punishable under Sections 379 and 511 IPC in Crime
No. 777 of 2022 on the file of the respondent Police,
seek anticipatory bail.

2.The case of the prosecution, as per the de-
facto complainant, is that the petitioners along with
other accused attempted to steal the scrap material
including the iron pipe from the Shree Ambika Sugar
Mill, in which the defacto complainant is working as
Supervisor.

3.The learned Counsel for the petitioners would



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submit that the petitioners have been falsely implicated in this case based on the confession statement recorded from the arrested accused. He prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that the petitioners are arrayed as A2 and A3 and they have been included in this case based on the confession statement given by the arrested accused. He would submit that the arrested accused has been enlarged on bail and the petitioners have no bad antecedent. However, he opposes for grant of anticipatory bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case and considering the fact that no previous case is pending against the petitioners, 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, Thiruvudaimarudhur, Thanjavur District, 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 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., for a period of two weeks and thereafter, every Saturday at 10.30 am 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 learned 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/-

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

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TO

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

+1. CC to M/S.VEERAPANDI.P Advocate SR.No.634(I)

ORDER

IN

CRL OP(MD)No.679 of 2023

Date: 11/01/2023

VA/MMS/SAR-3/30.01.2023/3P/6C