



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/01/2023

PRESENT

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

CRL OP(MD). No.969 of 2023

Ramesh

(Name was wrongly stated in FIR
as Rajesh)

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
Crime No.777 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Saravanan.A, Advocate
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

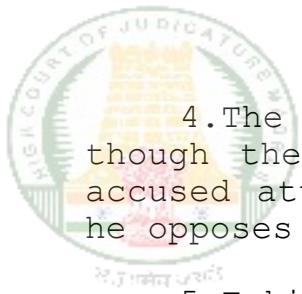
For Anticipatory Bail in Crime No.777 of 2022 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends 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, seeks anticipatory bail.

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

3.The learned Counsel for the petitioner would submit that the
petitioner has been falsely implicated in this case based on the
confession statement recorded from the co-accused. The co-accused
were already been enlarged on anticipatory bail by this Court. He
prayer for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit that though the petitioner has no bad antecedent, he along with other accused attempted to commit the theft of scrap material. However, he opposes for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and considering the fact that no previous case is pending against the petitioner, 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, Thiruvidaimarudhur, Thanjavur District**, 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., for a period of two 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/-

19/01/2023

/ TRUE COPY /

/02/2023

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

pnm

<https://www.mhc.tn.gov.in/judis>



TO

1 THE JUDICIAL MAGISTRATE,
THIRUVIDAIMARUDHUR, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

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.SARAVANAN.A, Advocate (SR-763[I] dated 19/01/2023)

ORDER

IN

CRL OP(MD) No.969 of 2023

Date :19/01/2023

RS/SSS/SAR.3(01.02.2023) 3P-6C