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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/01/2023

PRESENT

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

CRL OP(MD) . Nos.1172 and 1166 of 2023

G.S.Sriram

... Petitioner/Accused No.1
in both petitions

Vs

The State rep.by,
The Inspector of Police,
Nachiyarkoil Police Station,
Thanjavur District.
Crime Nos.1046 & 1047/2022.

... Respondent/Complainant
in both petitions

In both Petitions:-

For Petitioner : M/s.Gopinath.S.T,
Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime Nos.1046 and 1047 of 2022 on the
file of the respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioner/A1 in Crl.O.P(MD)No.1172 of 2023, who apprehends
arrest at the hands of the respondent police for the offences
punishable under Sections 379, 402, 403, 446, 447 and 506(2) of
I.P.C., in Crime No.1046 of 2022, on the file of the respondent
police, seeks anticipatory bail.

2.The petitioner/A1 in Crl.O.P(MD)No.1166 of 2023, who
apprehends arrest at the hands of the respondent police for the
offences punishable under Sections 379, 397, 402, 445, 446 and 447
of I.P.C., in Crime No.1047 of 2022, on the file of the respondent
police, seeks anticipatory bail.

<https://www.mhc.tn.gov.in> This is case of the prosecution, in Crl.O.P.(MD)No.1172 of 2022,



is that the petitioner had committed theft of Rs.24,800/- and fertilizers worth about Rs.2,00,000/- in the de-facto complainant's shop. Hence, the case.

4.The case of the prosecution, in CrI.O.P.(MD)No.1166 of 2022, is that the petitioner had committed theft of machineries worth about Rs.9,00,000/- from the de-facto complainant's shop. Hence, the case.

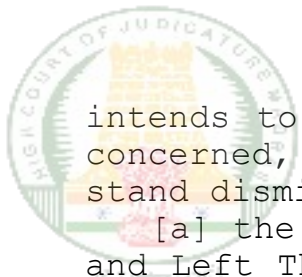
5.The learned counsel for the petitioner would submit that the petitioner is an innocent and the case in Crime No.1046 of 2022 has been registered based on the complaint given by his younger brother, namely, G.S.Raguraman and another case in Crime No.1047 of 2022 has been registered on the basis of the complaint given by his another younger brother, namely, G.S.Prabhuraman. He would further submit that there are existing property dispute pending between the petitioner and his younger brothers and now the younger brothers have preferred complaints before the learned Magistrate and based on the directions from the Court, the present cases have been falsely registered against the petitioner. He would also submit that the petitioner has undergone a liver transplant at Rela Hospital, Chennai and he is still taking treatment. Hence, he would seek for anticipatory bail.

6.The learned Government Advocate (CrI. side) would submit that two complaints have been given by the younger brothers of the petitioner and the case in Crime No.1046 of 2022 has been registered based on the complaint given by the petitioner's younger brother one G.S.Raguraman alleging that the petitioner had committed theft of Rs.24,820/- and fertilizers worth about Rs.2,00,000/- in the shop and in respect of the case in Crime No.1047 of 2022, the another younger brother G.S.Prabhuraman has given a complaint alleging that the petitioner had committed theft of machineries worth about Rs.9,00,000/- from the shop and he would object for grant of anticipatory bail.

7.Heard. Perused the materials available on record including the First Information Reports.

8.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner in both cases, with certain conditions:

9.Accordingly, these petitions are allowed and 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.2, Kumbakonam on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) in each crime numbers with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who



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intends to arrest or to the satisfaction of the learned M. [redacted] concerned, failing which, the petitions 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 as and when required for interrogation;

[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/-

23/01/2023

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/02/2023

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.2, KUMBAKONAM.
- 2 -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT.
- 3 THE INSPECTOR OF POLICE
NACHIYARKOIL POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.GOPINATH.S.T Advocate SR.No. 947(I), 948(I)

ORDER

IN

CRL OP(MD) No.1172 of 2023

Date :23/01/2023