



WEB COPY

CRL OP(MD).



23

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

Date : 08/02/2023

PRESENT

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

CRL OP(MD) . No.1870 of 2023

K.Rajkumar

... Petitioner/Accused Rank No.3

Vs

The State rep.by,
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
Crime No.334/2022.

... Respondent/Complainant

For Petitioner : M/s.Rajaboopathy.D,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.334 of 2022 on the file of the respondent police.

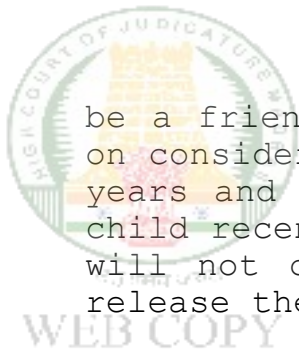
ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 380, 454, 457 @ 34, 380 and 457 of IPC in Crime No.334 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner, who was working as a Security Guard in his coconut grove had stolen Manvetti, Kodali, Wooden Handle Aruva, Black Color, FM radio, Koli, Covel, along with other accused. Hence, the complaint.

3. The learned counsel for the petitioner submitted that this is the second petition for anticipatory bail. He is innocent and has not been falsely implicated in this case, since he happens to

<https://www.hc.madras.gov.in/judis>



be a friend of other accused. The earlier petition was dismissed, on considering his bad antecedents. The petitioner is aged about 22 years and married last year and his wife has also delivered a male child recently. The petitioner has also filed an undertaking that he will not commit any criminal offence in future. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner along with other accused had committed theft. He is a habitual offender. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case, age of the petitioner and also the affidavit of undertaking given by the petitioner that he will not indulge in future and also considering the fact that his wife has delivered a child recently, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Rajapalayam, Virudhunagar 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 06.30 p.m., until further orders;

[c] the petitioner shall not tamper with the 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 in the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-

08/02/2023

/ TRUE COPY /

/02/2023

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

PNM

TO

- 1 JUDICIAL MAGISTRATE, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT,
- 2 -do- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.RAJABOOPATHY.D Advocate SR.No.2173(I)

ORDER

IN

CRL OP(MD) No.1870 of 2023

Date :08/02/2023

VA/SBN/SAR-2/14.02.2023/3P/5C