



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/02/2023
PRESENT

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

CRL OP(MD) . No.1817 of 2023

Vasanth

... Petitioner/Accused
Rank Not Known(the petitioner
Name does not find place in the FIR)

Vs

The State rep.by
The Sub Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
in Crime No.310/2022.

... Respondent/Complainant

For Petitioner : M/s.JOTHI BASU M,
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.310/2022 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 Section 379 of I.P.C., in Crime No. 310 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that some unknown persons had committed theft of two wheeler, belongs to the de-facto complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner has been implicated based on the confession recorded from the other accused. The motorcycle has now been recovered and other than a case registered in Crime No.344 of 2022 on the file of the Vasudevanallur Police Station, there is no other case pending against the petitioner. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that some unknown persons had committed theft of two wheeler, belongs to



the de-facto complainant and based on the confession recorded from the other accused, the petitioner has been arrayed as accused in this case. Hence, he opposed to grant anticipatory bail.

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

6. Taking into consideration of the facts and circumstances of the case, 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 Court, Thirumangalam, 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 two 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].

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

sd/-

10/02/2023

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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,
THIRUMANGALAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.JOTHI BASU M Advocate SR.No.2178

ORDER

IN

CRL OP(MD) No.1817 of 2023

Date :10/02/2023

SA/VR/SAR.2/22.02.2023/3P/6C