



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

Date : 03.03.2023

PRESENT

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

CRL OP(MD). No.4141 of 2023

Alampathoosha

... Petitioner / Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Pavoorchathiram Police Station,
Tenkasi District.
(Cr.No.116/2022)

... Respondent / Complainant

For Petitioner : M/s.Susi Kumar C, 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. 116/22 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 offence punishable under Section 380 of IPC, in Cr.No.116 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 09.04.2022 when the defacto complainant's brother-in-law went to the defacto complainant's house to take a bike key, he found that the main door of the house was opened. Hence, he informed the same to the defacto complainant. Upon the information, the defacto complainant went to his house and found that the main door and almera were opened and the gold jewels of 269 grams were stolen, worth about Rs.4,84,00/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was earlier granted anticipatory bail by this Court in Crl.O.P(MD)No.18558 of 2022 vide order dated 15.11.2022 and subsequently, since he was unable to furnish sureties, the anticipatory bail order got lapsed and the petitioner has also filed



an application for extension of time in Crl.M.P(MD)No.15681 and the said petition was dismissed with a liberty to file fresh anticipatory bail application.

4. The learned Government Advocate (Crl.side) appearing for the respondent police would strongly oppose for grant of anticipatory bail to the petitioner.

5. Heard and perused the materials available on record. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, 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 The Judicial Magistrate, Tenkasi, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

03/03/2023

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

CM

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



To

1.The Judicial Magistrate,
Tenkasi.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Pavoorchathiram Police Station,
Tenkasi District.

4.Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SUSI KUMAR.C, Advocate (SR-3595[I] dated 07/03/2023)

ORDER

IN

CRL OP(MD) No.4141 of 2023

Date :03/03/2023

ED/MMS/SAR-3 (16/03/2023) 3P 6C