



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

Thursday, the Ninth day of February Two Thousand and Twenty Three

PRESENT

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

CRL.O.P(MD)No.2430 of 2023

1.Anandakumar
2.Madhavan

...Petitioners/A1 & A2

-vs-

1. The State represented by
The Sub Inspector of Police,
Uthappanaickanur Police Station,
Usilampatti Taluk, Madurai District.
(Cr.No.204 of 2022)

...Respondent/Complainant

2. Chinnasamy

...Intervening Petitioner/Proposed
Respondent/Defacto Complainant
(in Crl.M.P.(MD).No.2461 of 2023)

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.204 of 2022 on the file of the respondent Police.

For Petitioners : Mr.V.Ramesh

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

For Intervenor : Mr.K.Srinivasa Ragavan

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Section 379 of IPC in Crime No.204 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 27.12.2022, the bull belonging the de-facto complaint was found missing and hence, the case.



3.The learned Counsel for the petitioners would submit that the petitioners are innocent and the petitioners have been falsely implicated based on the confession of the arrested accused. He would also submit that even as per the prosecution case, the bull has been secured and handed over to the de-facto complainant. He would also submit that the petitioners are ready to abide by any stringent conditions, that may be imposed on them. Hence, he would pray for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) appearing for the respondent would submit that petitioners along with yet another person committed theft of Jallikattu bull belonging to the de-facto complainant. In this case, A3 was arrested and he was released on bail and also the bull has been recovered from the accused. He would submit that each of the petitioners have got three previous cases. Hence, he would object for grant of anticipatory bail to the petitioners.

5.In reply, the learned Counsel for the petitioners would submit that the cases were registered prior to 2016 and the petitioners have no previous cases of similar nature for the past six years.

6.The learned Counsel appearing for the intervenor would submit that the petitioners and another accused have stolen the jallikattu bull of the de-facto complainant and sold it to a third person for Rs.30,000/-. Hence, he would oppose for grant of anticipatory bail to the petitioners.

7.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Usilampatti, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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.

<https://www.mhc.tn.gov.in/judis> the petitioners shall report before the respondent police



everyday at 10.30 a.m., for a period of two weeks, thereafter Saturday at 10.30 am until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

09/02/2023

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

CMR

TO

1. THE JUDICIAL MAGISTRATE NO.2, USILAMPATTI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3. THE INSPECTOR OF POLICE,
UTHAPPANAICKANUR POLICE STATION,
USILAMPATTI TALUK, MADURAI DISTRICT.

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

+1. CC to M/S.RAMESH V Advocate SR.No.7221(I)

ORDER

IN

CRL OP(MD) No.2430 of 2023

Date :09/02/2023