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

Date : 22/02/2023

PRESENT

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

CRL OP(MD) . No.3203 of 2023

Pradeep Kumar @ Kokki Kumar

... Petitioner/

Accused Rank not Known

Vs

The State Rep.by  
The Inspector of Police,  
Pallathur Police Station,  
Sivagangai District.  
(In Crime No.101 of 2022)..

... Respondent/Complainant

For Petitioner : V.Angusamy

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

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

PRAYER :-

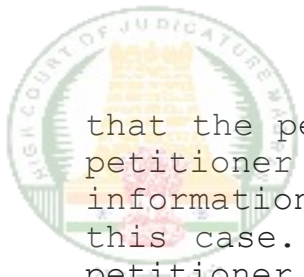
For Anticipatory Bail in Crime No.101/2022 on the file of the Respondent Police.

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 457, 380 of IPC in Crime No.101 of 2022, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Selva Ganapathy is that some unknown persons came in a esteem car and committed theft of cash Rs.2,03,000/- and gold chain, weighing 8 grams from his house. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely roped into the case, since he happens to be the owner of the car. The fact remains



that the petitioner's car was borrowed by one Karthik. Earlier the petitioner was called for enquiry on 15.11.2022 and only on the information given by the petitioner, the said Karthik was fixed in this case. However, after the arrest of other accused persons, the petitioner was compelled by the respondent police to give Rs.1 lakh to show some recovery, since the petitioner did not agree for the same, subsequent statement was recorded from the co-accused, as if, they have handed over the cash of Rs.1 lakh to the petitioner. He would submit that apart from this case, there are few cases pending against the petitioner, which were registered for political issues. Other than that the petitioner is not having any criminal background. Hence, prays to release him on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner is a friend of other accused. As per the confession of other accused persons it is revealed that the petitioner is the person, who dropped the accused persons in the place of occurrence, thereby, the accused persons have committed the theft of cash Rs.2,03,000/- and gold chain weighing 8 grams. One of the accused has confessed that amount of Rs.1 lakh was handed over to the petitioner. He is having four previous at his credit. Hence, prays to dismiss the petition.

5.The learned counsel for the intervener would submit that the petitioner along with other accused had committed theft of cash Rs.2,03,000/- and gold chain weighing 8 grams. However, the property has not been recovered. Hence, prays to dismiss the petition.

6.At this juncture, the learned counsel for the petitioner submitted that the petitioner has voluntarily appeared before the respondent police for enquiry. However, to show his *bonafides*, he is ready and willing to deposit Rs.1,00,000/- to the credit of crime number. Hence, prays to release him on anticipatory bail.

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

8.Taking into consideration the facts and circumstances of the case and considering the readiness and willingness of the petitioner to deposit amount to the credit of the Crime Number, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

9.Accordingly, the petitioner shall deposit a sum of ***Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime Number 101 of 2022 on the file of the respondent Police***, without prejudice to his rights and contentions before the trial Court. However, it is made clear that in view of the deposit being made by the petitioner, it would not amount to admission of guilt by him.

10.On such deposit being made, 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, Karaikudi**, 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 10.30 a.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 by 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/-  
22/02/2023

/ TRUE COPY /

/ /2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,  
KARAIKUDI.

2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
SIVAGANGAI  
DISTRICT.

3 THE INSPECTOR OF POLICE  
PALLATHUR POLICE STATION,  
SIVAGANGAI DISTRICT.



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

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MGJ/BUC/SAR IV/06/03/2023/4P/5C

ORDER

IN

CRL OP (MD) No.3203 of 2023

Date :22/02/2023