



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) . Nos.3312, 3314, 3315, 3318, 3335, 3337, 3338 of 2023

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In all petitions:

Kasi @ Kasirajan

... Petitioner/Accused No.6

Vs

The Inspector of Police,
Koodal Pudur Police Station,
Koodal Pudur, Madurai City,
Madurai District.

... Respondent/Complainant

(Cr.Nos.1187 of 2019, 1148 of 2019,
68 of 2020, 1149 of 2019,
87 of 2020, 998 of 2019, 67 of 2020)

In all petitions:

For Petitioner : Mr.NIRANJAN S KUMAR

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

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

COMMON PRAYER :-

For Anticipatory Bail in Cr.Nos.1187 of 2019, 1148 of 2019, 68 of 2020, 1149 of 2019, 87 of 2020, 998 of 2019, 67 of 2020, on the file of the Respondent Police.

COMMON ORDER: The Court made the following order:-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 457, 380 r/w 34, 414, 411 of I.P.C, in Crime Nos.1187 of 2019, 1148 of 2019, 68 of 2020, 1149 of 2019, 87 of 2020, 998 of 2019, 67 of 2020, on the file of the respondent police, seek anticipatory bail.

2.(i)In Crime No.1187 of 2019, the case of the prosecution is that on 24.12.2019, the petitioner and others broke open the house of the defacto complainant during night hours and stolen 44 sovereigns of gold ornaments and cash of Rs.2,17,000/-. Hence, the complaint.

(ii)In Crime No.1148 of 2019, the case of the prosecution



is that on 13.12.2019, the petitioner and others broke open the house of the defacto complainant during night hours and stolen 5 ½ sovereigns of gold ornaments and cash of Rs.54,000/-. Hence, the complaint.

(iii) In Crime No.68 of 2020, the case of the prosecution is that on 17.01.2020, the petitioner and others broke open the house of the defacto complainant during night hours and stolen 19 sovereigns of gold ornaments, ½ sovereign of gold coin and 3 pairs of silver anklet and silver coin. Hence, the complaint.

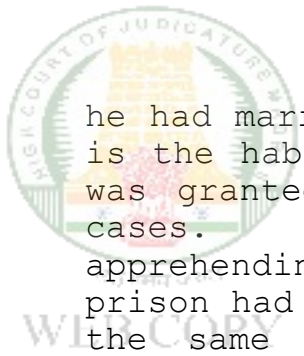
(iv) In Crime No.1148 of 2019, the case of the prosecution is that on 13.12.2019, the petitioner and others broke open the house of the defacto complainant during night hours and stolen 1 ½ sovereigns of gold ornaments, 2 pairs of silver anklet and cash of Rs.5,000/-. Hence, the complaint.

(v) In Crime No.87 of 2020, the case of the prosecution is that on 19.01.2020, the petitioner and others broke open the house of the defacto complainant during night hours and stolen 12.300 sovereigns of gold ornaments and cash of Rs.37,000/-. Hence, the complaint.

(vi) In Crime No.998 of 2019, the case of the prosecution is that on 29.10.2019, the petitioner and others broke open the house of the defacto complainant during night hours and stolen 5 ½ sovereigns of gold ornaments. Hence, the complaint.

(vii) In Crime No.68 of 2020, the case of the prosecution is that on 17.01.2020, the petitioner and others broke open the house of the defacto complainant during night hours and stolen 1 sovereign of gold ornament, 700 grams of silver ornaments. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been purposely roped in all these cases, based on the confession recorded from one Kalpana/A1, with whom he was in relationship with few years back. He would submit that admittedly, the petitioner is having few previous cases registered against him under 302 IPC and NDPS Act. The petitioner was arrested in Crime No.1338 of 2020 on 12.09.2020, for the offence under NDPS Act and he was enlarged on bail on 06.01.2022, whereas, all these cases were stated to have been registered during the period between October 2019 to January 2020. He would submit that in all these cases, in the FIR the details of the accused are 'Not known'. Later, the respondent Police had arrested one Alagupandi in Crime No.331 of 2019, registered for the offence of theft. In that case, he had confessed that he was involved in all these cases. Whiles, after release of the petitioner in Crime No.1388 of 2020, the respondent Police in order to curtail the activity of the petitioner have obtained a confession statement from A1/Kalpana on 28.01.2022, as if, the petitioner is involved in the cases and he has received Rs. 3 lakhs from her. He would further submit that the fact remains that as stated above the petitioner was in a live-in relationship with the said Kalpana and later there was a misunderstanding between them and they got separated. Thereafter,



he had married one Law Graduate and now living a reformed life. It is the habit of the respondent Police that whenever the petitioner was granted bail, they used to implicate him in subsequent false cases. The petitioner was released on bail on 06.01.2022 apprehending the same, the petitioner immediately on coming out of prison had sent representation to the City Commissioner of Police on the same day at 23.00 hours by registered post, seeking for protection. However, as expected the respondent Police have implicated the petitioner in all the cases, based on the alleged confession recorded from the said Kalpana, who was antagonized against him on account of the misunderstanding. As usual expecting the right moment, the respondent have purposely used the Kalpana to record the statement. The respondent Police used to implicate him as an accused and all these cases were registered by the very same respondent Police. Based on the confession given by said Kalpana, the petitioner was implicated as an accused in all these cases. The petitioner is ready to abide any stringent condition that may be imposed on him and his wife, who is a Law Graduate is ready to stand as surety to him. Hence, prays to release him on anticipatory bail in all these cases.

4.The learned Government Advocate (Crl.side) would submit that the petitioner is the habitual offender and several cases are pending against the petitioner. The petitioner along with one Alagupandi and Kalpana had committed theft in various places and the said Kalpana had confessed that the petitioner had received Rs. 3 lakhs from her. If he released on anticipatory bail, there is every possibility for absconding and tampering with material evidence. Hence, prays to dismiss these petitions.

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 and considering the submissions of the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner in all these cases with certain conditions.

7.Accordingly, these Criminal Original Petitions are allowed and 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 No.IV, Madurai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common sureties each (out of which, one shall be the wife of the petitioner) 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 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 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/-

03/03/2023

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

PNM

TO

1. The Judicial Magistrate No.IV, Madurai
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
Koodal Pudur Police Station, Koodal
Pudur, Madurai City, Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP (MD) No.3312 of 2023

Date :03/03/2023

RD/AR/SAR-III (09/03/2023) 4P 5C