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Crime No.282 of 2022 registered by the responde



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) Nos.3489, 3477,
3490, 3508 and 3513 of 2023

Selvaraj

...Petitioner/Accused rank not known
(in all petitions)

-VS-

The State represented by
The Inspector of Police,
Karamabakudi Police Station,
Pudukkottai District.
(in Cr.Nos.283, 284, 399,
286 and 285 of 2022)

...Respondent/Complainant
(in all petitions)

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Crime Nos.283, 284, 399, 286 and 285 of 2022.

In all petitions:

For Petitioner : M/s.A.Banumathy, Advocate

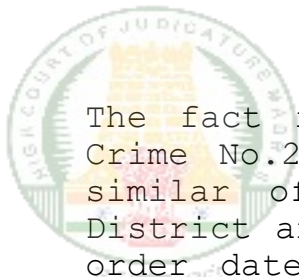
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

COMMON ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 379 IPC in Crime Nos.283, 284, 399, 286 and 285 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant is that her goats were missing. Hence, the cases.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in these cases based on the confession recorded from the co-accused.



The fact remains is that the petitioner was earlier arr in Crime No.282 of 2022 registered by the respondent police for the similar offence and he was enlarged on bail by the Principal District and Sessions Judge, Madurai in Cr.M.P.No.3133 of 2022 vide order dated 06.09.2022. He would also submit that if at all the petitioner is really involved in these cases, the respondent would have made formal arrest whereas after coming out on bail, the petitioner has been falsely implicated in these cases. He would seek for anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that the petitioner was earlier arrested in Crime No.282 of 2022 for similar offence and the petitioner has been implicated based on the confession of one Iyappan, who is arrayed as A2 and however, before formal arrest could be effected, the petitioner was arrested in crime No.282 of 2022 and he was enlarged on bail subsequently. He would concede that all the goats have been recovered.

5. Heard and perused the materials available on record.

6.Taking into consideration 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 Judicial Magistrate, Alangudi, 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. And 5.30 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]**.



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

sd/-

01/03/2023

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

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TO

- 1 THE JUDICIAL MAGISTRATE,
ALANGUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARAMBAKUDI POLICE STATION,
PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3489 of 2023

Date :01/03/2023

VA/RG/SAR-1/(08.03.2023)/3P/5C