



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)



Wednesday, the First day of March Two Thousand and Twenty Three

PRESENT

WEB COPY

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

CRL OP(MD) . No.3903 of 2023

Ponraj

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District
(Crime No.61 of 2023).

... Respondent/Complainant

For Petitioner : M/s. V.M.Jegadeesha Pandian,

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

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

PRAYER :-

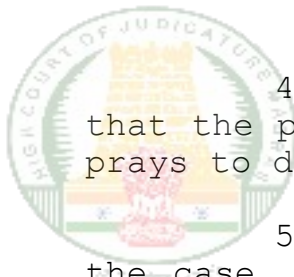
C-38 AB. For Anticipatory bail in Crime No.61 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 380 IPC in Crime No. 61 of 2023, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the accused had committed theft of 50 kgs of copper wire from SIPCOT, Tirunelveli. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner has been falsely implicated in this case, based on suspicion and there is delay in three months in lodging complaint. He is ready to abide any conditions imposed by this Court. Hence, prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit that the petitioner has committed the theft of copper wire. Hence, prays to dismiss the petition.

5.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 learned **Judicial Magistrate NO.III, Tirunelveli**, 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 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/-
01/03/2023

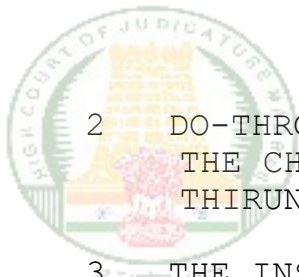
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/03/2023

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

PNM

TO



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

3 THE INSPECTOR OF POLICE
GANGAIKONDAN POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC TO M/S. V.M.JEGADEESHA PANDIAN ADVOCATE SR.NO.3162.

ORDER

IN

CRL OP(MD) No.3903 of 2023

Date :01/03/2023

SI/SKN/SAR-1/(08.03.2023) 3P/ 6C