



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

PRESENT

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

CRL.O.P(MD)No.4166 of 2023

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R.Manikandan

...Petitioner/Accused

-vs-

State rep by
The Inspector of Police,
Vengamedu Police Station,
Karur District
(in Cr.No.452 of 2018)

...Respondent/Complainant

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 Cr.No. 452 of 2018.

For Petitioner : Mr.V.Nagarajan

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 454 and 380 IPC in Crime No.452 of 2018 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant is that on 21.12.2018 when the defacto complainant was at work place, it was informed that the front door of his house was broke open and the defacto complainant returned to home and saw that stell bureau was broke open and 9 sovereigns of gold chain was found missing and golden ornaments were also stolen. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case based on the confession recorded from one Sankaranarayanan and Madhavan, from whom the stolen articles have been recovered and they have been arrested and subsequently, they were enlarged on bail and the petitioner is having no previous case. He would also submit that He would pray for grant of anticipatory bail.



4.The learned Government Advocate (Crl.side) would submit that the accused in this case have stolen the jewels and ornaments by house breaking and arrested accused were released on bail. He would further submit that there is no previous case pending against the petitioner and he would oppose for grant of anticipatory bail.

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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 learned Judicial Magistrate No.1, Karur, 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/-

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

CM



TO

1.THE JUDICIAL MAGISTRATE NO.1, KARUR.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

3 THE INSPECTOR OF POLICE,
VENGAMEDU POLICE STATION,
KARUR DISTRICT

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

+1 CC to M/s.V.NAGARAJAN, Advocate (SR-3398[I] dated 06/03/2023)

ORDER

IN

CRL OP (MD) No.4166 of 2023

Date :03/03/2023

RD/AR/SAR-3 (10/03/2023) 3P/6C