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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). Nos.4446 and 4467 of 2023

Syed Sheik Bareeth	... Petitioner/3 rd Accused in CrI.O.P(MD) No.4446 of 2023
Prabu	... Petitioner/2 nd Accused in CrI.O.P(MD) No.4467 of 2023

Vs

The State represented by The Inspector of Police, Batlagundu Police Station, Dindigul District. Cr.No.111/2023.	... Respondent/Complainant in both petitions
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(In both petitions)

For Petitioners : Mr.A.Sivasubramanian,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (CrI.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No. 111/2023 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/accused who apprehend arrest at the hands of the respondent police for the offence punishable under Section 379 of IPC in crime No.111 of 2023 on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein said to have committed theft of goods of electricity board, hence the case.



3. Heard both sides and perused the materials available on record.

4. Taking into consideration the facts and circumstances of the case and also the fact that the stolen properties have been recovered this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakottai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners 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 petitioners shall deposit the sum of Rs. 25,000/- each to the credit in crime number 111 of 2023 before the learned Judicial Magistrate, Nilakottai without prejudice to their defence and only on such deposit the learned Magistrate shall accept the sureties furnished by the petitioners.

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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/03/2023

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



TO

1 THE JUDICIAL MAGISTRATE
NILAKOTTAI.

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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE
BATLAGUNDU POLICE STATION, DINDIGUL DISTRICT.

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

+1. CC to A.SIVASUBRAMANIAN Advocate SR.No.3821

ORDER

IN

CRL OP (MD) . Nos.4446

and 4467 of 2023

Date :09/03/2023

SS/SBN/SAR I/16/03/2023/3P/6C