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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/03/2023

PRESENT

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

CRL OP(MD) . No.5728 of 2023

M.Salim ... Petitioner / Accused Rank not known

Vs

State rep by
The Inspector of Police,
Vilakuthoon Police Station,
Madurai City
Crime No. 87 of 2023. ... Respondent / Complainant

For Petitioner : Mr. M.A Murthuza Ali, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 87 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 457 and 380 of IPC in Crime No. 87 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint stating that he has received information on 19.03.2023 around 10.00 am from the adjacent shop owner that his shop's shutter was broke open, hence he immediately rushed to the shop and found that the CCTV camera installed in the front entrance has been broken and door and lock was also found broken and Rs.10,00,000/- cash was missing.



3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that there are totally four accused in this case and the petitioner herein is arrayed as A4. Even according to the prosecution the defacto complainant is also running a glass polish unit and his employee has broke open the shop and taken away Rs.10,00,000/- cash and they are relatives to the petitioner herein. Even according to the prosecution they have stolen cash and handed over tot he petitioner herein. Further a sum of Rs. 8,20,000/- was recovered from this petitioner from petitioner's glass design and polish unit based on the information given by the other accused. One of the employee of the petitioner also involved in the crime, therefore custodial interrogation of the petitioner does not require in this case, hence this court is inclined to grant anticipatory bail to the petitioner , with certain conditions:

5. 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.I, Madurai 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 daily at 10.30 am.,and 5.30 pm., for a period of two weeks and thereafter as and when required for interrogation.

[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 FI registered under Section 229A IPC.

sd/-
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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 No.I,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Vilakuthoon Police Station,
Madurai City.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.A.MURTHUZA ALI, Advocate (SR-5042[I] dated
29/03/2023)

ORDER
IN
CRL OP(MD) No.5728 of 2023
Date :28/03/2023

ED/CG/SAR-4 (30/03/2023) 3P 6C