



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/04/2023
PRESENT

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

CRL OP(MD) . No.6324 of 2023

Sivaprasath,

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Alangulam Police Station,
Virudhunagar District.
Crime No. 57 of 2021.

... Respondent/Complainant

For Petitioner : Mr.J.KARTHICK,
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. 57 of 2021 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. 57 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.04.2021 the accused persons trespassed into the house of the defacto complainant and stolen jewels weighing 20 sovereigns of gold jewels, hence the case.

3. The learned counsel for the petitioner would submit that the his father is running a jewellery shop in the name of Thanga Murugan Jewellery shop at Sankarankovil. Except he being the son of A1 he has nothing to do as alleged by the prosecution. His father was arrested and remanded to judicial custody. The allegation against the petitioner is that he has received stolen gold from A1 who is the prime accused. In so far as the petitioner is concerned he is studying B.C.A in Kalasalingam University in Virudhunagar and he is no way connected with the business conducted by this father.



4. The learned Additional Public Prosecutor would submit that it is not a jeweller shop and he is doing only gold smith business on order basis. The petitioner also received stolen jewels from the first accused and no recovery has been made so far.

5. In this case there are totally three accused and the petitioner herein is arrayed as A3. The petitioner herein is none other than the son of A1. A1 and A2 were arrested and released on bail. Further the jewelry shop is run by A1 which is a proprietor concern. Further the petitioner is no way connected with the alleged offence. Taking into consideration of 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.II, Sattur, Virudhunagar District 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., for a period of three 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].



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

sd/-
05/04/2023

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/ TRUE COPY /

/04/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
SATTUR, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to J.KARTHICK Advocate SR.No.5466

ORDER

IN

CRL OP(MD) No.6324 of 2023

Date :05/04/2023

SA/BUC/SAR.1/11.04.2023/3P/6C