



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/04/2023
PRESENT

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

CRL OP(MD) . No.6557 of 2023

1. Prabhu,

2. Shanmugaraj,

... Petitioners/Accused

Vs

The State rep.by
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.
(Cr No.121/2023).

... Respondent/Complainant

For Petitioner : Mr.S.VISHNUVARDHAN,
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 Cr No.121/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3 who apprehend arrest at the hands of the respondent police for the offence punishable under section 379 of I.P.C in Crime No. 121 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners herein along with other accused said to have committed theft of two wheeler bearing Reg.No.TN 72BC 4561, hence the case.

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

4. Taking into consideration the facts and circumstances of the case and also the fact that the petitioners were was arrested only on the confession give by A1 and also the fact that A1 was arrested and remanded to judicial custody and the fact that the stolen property was recovered from A1, this court is inclined to



grant anticipatory bail to the petitioners , with conditions: in

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned judicial Magistrate No.V, Tirunelveli on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties (of which one shall be the blood related surety) 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 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 report before the respondent Police, daily at 10.30 a.m., for a period of three 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].

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

sd/-

17/04/2023

/ 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.V,

<https://www.tirunelveli.judiciary.gov.in/>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI CITY.

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

+1. CC to S.VISHNUVARDHAN Advocate SR.No.6053

ORDER

IN

CRL OP(MD) No.6557 of 2023

Date :17/04/2023

SA/MMS/SAR.1/21.04.2023/3P/6C