



WEB COPY

CRL OP(MD).



23

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.6887 of 2023

1.Prabhu

2.Shanmugaraj ... Petitioners / Accused rank unkonwn

Vs

The State rep by
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli District.

(Crime No.111 of 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 Crime No.111/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under section 379 of I.P.C., in Crime No.111 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 08.03.2023 at about 14.45 hours, the de-facto complainant was parked his two wheeler bearing Registration No.72-BB-0830 nearby the Share-auto stand in new bus stand, Tirunelveli and went for lunch in a hotel and thereafter, he found that his two wheeler was missing. Hence, the case.



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

4. There are three accused involved in this case, in which, the petitioners are arrayed as A3 and A2. Now the second accused was already arrested and remanded to judicial custody. Hence, this petition is dismissed as infructuous as against the second petitioner is concerned. As far as the first petitioner is concerned, he has been implicated as an accused based on the confession statement of the first accused. Now the first accused was already arrested and also made recovery.

5. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the first petitioner with certain conditions:

6. Accordingly, the first 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.V, Tirunelveli, on condition that the first 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 first 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 first petitioner 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 first petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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].



WEB COPY

CRL OP(MD)



23

[f] If the accused thereafter absconds, a fresh FI 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.

SJI

To

1.The Judicial Magistrate No.V,
Tirunelveli.

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

3.The Inspector of Policem
Melapalayam Police Station,
Tirunelveli District.

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

+1 CC to M/s.S.VISHNUVARDHAN, Advocate (SR-6054[I] dated 18/04/2023)

ORDER
IN
CRL OP(MD) No.6887 of 2023
Date :17/04/2023

ED/VR/SAR-4 (24/04/2023) 3P 6C