



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/05/2023
PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8705 of 2023

R.Umaithurai,

... Petitioner/Rank Not Known

Vs

The State rep.by
The Deputy Superintendent Of Police,
IW CID Trichy,
Trichy District.
(Madurai Circle)
Cr.No.14/2020.

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumar.A,
Advocate.

For Respondent : R.Meenakshi Sundaram,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 14/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 457(2), 380(2), 411 IPC r/w. 379 IPC in Crime No.14 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has stolen the pillar stone of the temple. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is aged about 74 years and he is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted the petitioner is having four previous cases and the property stolen in this Crime is not yet recovered and the investigation of the case is pending.



5. Considering the facts and circumstances of the case, so considering the fact that the petitioner is aged about 74 years, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is allowed and 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 of receipt of a copy of this order, before the Special Court for Idle Wing - Cum - Additional Chief Judicial Magistrate, Kumbakonam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties (one of which should be blood related surety) each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall stay at Madurai and report before the respondent police daily at 10.30 am for a period of six weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with the 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]**.

sd/-

17/05/2023

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/05/2023

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

TRP

TO

1 THE SPECIAL COURT FOR IDLE WING CUM
ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
KUMBAKONAM.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
IW CID TRICHY,
TRICHY DISTRICT.
(MADURAI CIRCLE).

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

ORDER

IN

CRL OP(MD) No.8705 of 2023

Date :17/05/2023

SA/CG/SAR.4/22.05.2023/3P/5C