



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

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

CRL OP(MD). No.9016 of 2023

Satham Hussain

... Petitioner/Accused Rank not known

Vs

The State represented by
The Inspector of Police,
Koomapatty Police Station,
Virudhunagar District.
(Crime No.50 of 2023)

... Respondent/Complainant

For Petitioner : Mr.Pandian.M.,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

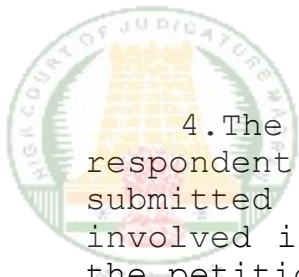
For Anticipatory Bail in Crime No.50 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 380 and 454 of IPC in Crime No.50 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 24.04.2023, around 05.30 pm, when the defacto complainant returned home, his bedroom door lock was broken and 1 and 1/4 sovereigns of gold were stolen. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner's name is not found in the FIR and so far the petitioner is not added as an accused. The petitioner is an innocent person and he is not having any previous case. Since the respondent Police are attempting to arrest him, he is before this Court.



4.The learned Government Advocate (Crl.side) appearing for the respondent police objected to the grant of anticipatory bail and submitted that there is suspicion that this petitioner might have involved in the said offence. However, he conceded that till now, the petitioner is not implicated as an accused in this case.

5.Considering the facts and circumstances and the fact that so far the petitioner is not implicated as an accused in this 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Srivilliputhur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (of which one shall be a 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police twice in a week i.e., on every Sunday and Tuesday at 10.30 am., for a period of three months 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]**; and;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/05/2023

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/05/2023

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



1 THE JUDICIAL MAGISTRATE NO.I
SRIVILLIPUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
KOOMAPATTY POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.PANDIAN.M, Advocate (SR-7641[I] dated 19/05/2023)

ORDER
IN
CRL OP (MD) No.9016 of 2023
Date :18/05/2023

SS/ /SAR /24/05/2023/3P/6C