



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/05/2023

PRESENT

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

CRL OP(MD). No.8916 of 2023

Muthuraj ... Petitioner/Accused rank not known

Vs

State Rep.by
The Inspector of Police,
Thalaiyuthu Police Station,
Thalaiyuthu,
Tirunelveli District.
(In Crime No.228 of 2021) ... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan, Advocate

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.228 of 2021 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 offence punishable under Section 380 of IPC, in Crime No.228 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 15.07.2021, at about 05.00 p.m, when the defacto complainant entering into the house, he noticed that a sum of Rs.1,50,000/- and 5 sovereign of gold jewels were stolen. Based on the complaint given by him, the respondent police registered a case in Crime No.228 of 2021 and the respondent police arrested two accused and recovered the said amount and jewels. Based on their confession statement, the petitioner was arrested as an accused.



3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that only based on the confession statement, the petitioner was arrayed as an accused. Further, no recovery was made from the petitioner. He would further submit that already co-accused were released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that 2 previous cases similar in nature are pending against the petitioner. However, he fairly conceded that the co-accused were already released on bail.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused were already released on bail, 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 learned Judicial Magistrate Court No.III, Tirunelveli, Tirunelveli District, 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 daily at 10.30 am., 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/-
17/05/2023

/ TRUE COPY /

WEB COPY

/05/2023

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

DSS

TO

- 1 THE JUDICIAL MAGISTRATE COURT NO.III, TIRUNELVELI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THALAIYUTHU POLICE STATION, THALAIYUTHU,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-7489[I] dated 18/05/2023)

ORDER
IN
CRL OP(MD) No.8916 of 2023
Date :17/05/2023

PKP/CG/SAR- /23.05.2023/ **3P/6C**