



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

Date : 07.06.2023

PRESENT

WEB COPY

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

CRL OP(MD)No.9844 of 2023

Elaiyaraja

... Petitioner/Accused 3

Vs

The State rep.by
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
(Crime No.245 of 2023)

... Respondent/Complainant

For Petitioner : Mr.P.R.BOOMEERAJAN

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor.

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

PRAYER :- For Anticipatory Bail in Crime No.245 of 2023 on the file of the Respondent Police.

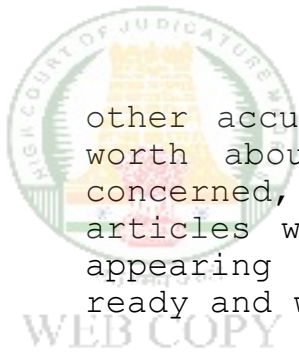
ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 407, 413, 120(b) and 506(ii) IPC in Crime No.245 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is having household articles shop. In the said shop, A1 was working as Godown in-charge. A1 along with other accused persons, without consent of the defacto complainant, sold out household articles worth about Rs.22,00,000/-. Hence, the case.

3.Heard both sides and perused the materials available in the record.

4.It is seen that there are totally five accused in this case, in which, the petitioner herein is arrayed as A3. A1 along with



other accused conspired together and looted the household as worth about Rs.22,00,000/-. Insofar as the petitioner herein is concerned, he also received two TVs, two ACs and other household articles worth about Rs.2,00,000/-. However, the learned counsel appearing for the petitioner now submitted that the petitioner is ready and willing to deposit the value of the household articles.

5.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.2,50,000/- to the credit of Cr.No.245 of 2023 before the learned Judicial Magistrate No.1, Kumbakonam, Thanjavur District, within a period of two weeks from the date of receipt of a copy of this order, failing which the anticipatory bail granted to the petitioner shall stand cancelled automatically.

6.On such deposit, 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 on which the order copy made ready, before the learned Judicial Magistrate No.1, Kumbakonam, Thanjavur District on condition that the 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 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 petitioner 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 petitioner shall not tamper with 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].



CRL OP(MD)



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

sd/-

07/06/2023

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

GNS

TO

1 THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM, THANJAVUR DISTRICT.

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

3 THE INSPECTOR OF POLICE,
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to BOOMEE RAJAN P.R. Advocate SR.No.8249

ORDER

IN

CRL OP(MD) No.9844 of 2023

Date :07/06/2023

SA/BUC/SAR. /14.06.2023/3P/6C