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CRL OP(MD). N



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

Date : 16/06/2023

PRESENT

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

CRL OP(MD) . No.10403 of 2023

Chinnasamy ... Petitioner/Accused Rank Not Known

Vs

The Inspector of Police,
Singampunari Police Station,
Sivagangai District.
(Crime No.104 of 2023)

... Respondent/Complainant

For Petitioner : M/s.Senthil Nathan B,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

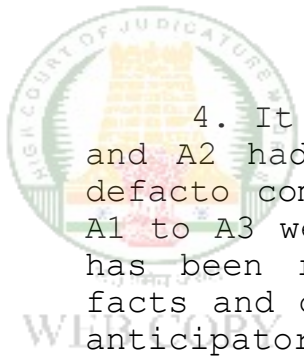
For Anticipatory Bail in Crime No.104 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 379 r/w.34 of IPC in Crime No. 104 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 01.06.2023 when the defacto complainant along with her husband had gone to the temple for worship two sovereigns of gold chain which belong to the defacto complainant was found missing, hence the case.

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



4. It is seen that even according to the case of prosec¹ and A2 had stolen the jewels during the temple festival from the defacto complainant and handed over to the petitioner herein. Now A1 to A3 were arrested and released on bail and the stolen property has been recovered. Taking into consideration all the above the facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioner , with certain conditions:

5. Accordingly, 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, Singampunari 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 am., and 5.30p.m., until further orders.

[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].

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

sd/-

16/06/2023

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/06/2023

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



TO

1 THE JUDICIAL MAGISTRATE,
SINGAMPUNARI.

2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
SINGAMPUNARI POLICE STATION,
SIVAGANGAI DISTRICT

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

ORDER

IN

CRL OP(MD) No.10403 of 2023

Date :16/06/2023

AAV

DL/MGA/(23.06.2023)/ 3P/5C