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CRL OP(MD). N



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

Date : 19/06/2023

PRESENT

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

CRL OP(MD) . No.10786 of 2023

1.Senthilvel

2.Muthuvel

3.Patturaj Nadar ... Petitioners/Accused No.1 to 3

Vs

State Represented by its,
The Inspector of Police,
Muthiapuram Police Station,
Thoothukudi District.
(Crime No.134 of 2023)

... Respondent/Complainant

For Petitioners : Mr.T.A.Ebenezer,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.134 of 2023 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of
the respondent Police for the offences punishable under Sections
406, 420 and 403 of IPC in Crime No.134 of 2023 on the file of the
respondent Police, seek anticipatory bail.



2. The case of the prosecution is that the petitioners had 8 sovereigns of gold jewels from the defacto complainant and thereafter, the petitioners failed to return back the same. Hence, the complaint.

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

4. It is seen that as per case of prosecution, the petitioners borrowed 8 sovereigns of jewels. However, the petitioners have returned only one sovereign of jewels. That apart, the defacto complainant filed a petition under Section 156(3) of Cr.P.C., before the learned Judicial Magistrate No.II, Thoothukudi and a direction is given to the respondent police to take up the case and the same was taken on file as Crime No.134 of 2023. Further, money transaction is in between the petitioners and the defacto complainant and hence, custodial interrogation of the petitioners does not required in this case.

5. Taking into consideration the aforesaid facts, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

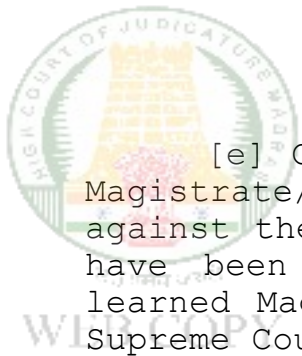
6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners 1 and 2 shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation and the third petitioner shall report before the respondent Police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

19/06/2023

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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 NO.II, THOOTHUKUDI.
 2. DO-THROUGH,
THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.
 3. THE INSPECTOR OF POLICE,
MUTHIAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC TO M/S.T.A.EBENEZER ADVOCATE SR.NO.9133.

ORDER

IN

CRL OP(MD) No.10786 of 2023

Date :19/06/2023

SI/MGA/ (26.06.2023) 3P/ 6C