



CRL OP(MD). No.10815 of 2023

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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.10815 of 2023

Esaikkidurai,

... Petitioner/ Accused Rank Not known

Vs

(*)State Rep by
The Inspector of Police,
Watrap Police Station
Virudhunagar District.
Crime No. 148 of 2021.

... Respondent/Complainant

For Petitioner : M/s Manoj Kumar.S,
Advocate.

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

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

PRAYER :-

To enlarge the petitioner on bail in the event of his arrest or surrender in C.C No. 859/2022 on the file of the Judicial Magistrate No.I, Srivilliputhur in Crime No. 148 of 2021 on the file of the respondent police station



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ORDER : The Court made the following order :-

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The petitioner/ A1 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 379,414 and 201 of IPC in Crime No. 148 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the two wheeler of the defacto complainant which was parked near the before his home 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 the property has been recovered and only on the confession given by the co- accused the petitioner has been implicated as accused. The respondent completed investigation and filed final report before the learned Judicial Magistrate No.I, Srivilliputhur and the same has been taken cognizance in C.C. No.859 of 2022, hence this court is inclined to grant anticipatory bail to the petitioner , with certain conditions:



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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 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 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 learned Judicial Magistrate No.I, Srivilliputhur as and when required for interrogation.

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



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[d] the petitioner shall not abscond either during investigation or trial.

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[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/-
19/06/2023

(*)CORRECTED AS PER ORDER OF THIS
COURT DATED 24.07.2023 IN CRL MP(MD)
NO.10434 OF 2023 IN CRL OP(MD)
NO.10815 OF 2023

TIME IS ALSO EXTENDED FOR 15 DAYS,
FROM THE DATE OF RECEIPT OF COPY
OF THIS ORDER.

/ TRUE COPY /

/ 07/2023

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

AAV



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TO

TO BE SUBSTITUTED WITH THE ORDER DATED 19/06/2023 ALREADY
DESPATCHED

1. THE JUDICIAL MAGISTRATE NO.I, SRIVILLIPUTHUR
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR & SRIVILLIPUTHUR
3. THE INSPECTOR OF POLICE,
WATRAP POLICE STATION
THANJAVUR DISTRICT.
4. THE INSPECTOR OF POLICE,
WATRAP POLICE STATION
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10815 of 2023

Date :19/06/2023

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

RK/BUC/(28.07.2023) 4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023