



CRL OP(MD). No.12924 of 2023

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

Date : 24/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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Peter John

... Petitioner/ Accused Rank not known

Vs

The Sub-Inspector of Police,
Kollencode Police Station,
Kanyakumari District.
(Crime No.75 of 2023).

... Respondent / Complainant

For Petitioner : Mr.Herold Singh.S.C., Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.75 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused rank not known, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of I.P.C, in Crime No.75 of 2023 on the file of the respondent Police, seeks anticipatory bail.



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2. The case of the prosecution is that the defacto complainant is running a petty shop. On 14.06.2023, the defacto complainant locked the shop and went home. On 15.06.2023 at about 12.30 a.m., in the mid-night, she heard some noise. Therefore, she along with her husband came out of her house and saw five identifiable persons removing the petty shop and taking the same in an auto, while they raised alarm, the accused persons took away the shop. Thereby, committed theft of Rs.7,000/- and loss of Rs.20,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he is no way connected in this case. There is a civil dispute pending with regard to the property in O.S.No.115 of 2023 between the petitioner and defacto complainant's husband. Due to pathway dispute, the false complaint has been given against the petitioner.

4. According the defacto complainant, at that time of committing offence, Rs.7,000/- in cash and things worth about Rs.5,000/- was also available in the shop and those are found missing.

5. At that time of earlier hearing, the learned Government Advocate (Crl. Side) for the respondent Police submitted that the above said petty shop was recovered and so, direction was issued to the respondent to remand the above said articles before the concerned Court. Thereafter, the remand has also been effected in R.P.



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No.118 of 2023. So far, the money and other articles are concerned, no such things were available at that time of above said recovery.

6. The learned counsel for the petitioner would submit that he is ready to deposit the above said amount.

7. Considering the facts and circumstances of this case and considering the fact that the petitioner is ready to deposit the above said amount, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall deposit a sum of Rs.12,000/- (Rupees Twelve Thousand only) to the credit of Cr.No.75 of 2023 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court.

9. On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Kuzhithurai, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

10. The petitioner shall appear before the concerned Magistrate within a



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period of 15 days from the date on which the order copy made ready, failing which,

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the petition for anticipatory bail stands dismissed.

sd/-

24/07/2023

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/08/2023

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

INDU

To

- 1.The Judicial Magistrate No.II, Kuzhithurai.
- 2.Do through the Chief Judicial Magistrate, Kanyakumari District at Nagercoil.
- 3.The Sub-Inspector of Police,
Kollencode Police Station, Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-11248[I] dated 26/07/2023)

ORDER

IN

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Date :24/07/2023

ED/VR/SAR- (03/08/2023) 4P / 6 C

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