



CRL OP(MD). No.13097 of 2023

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

Date : 18/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.13097 of 2023

1. Keeri Madasamy,

2. Muthukutty,

... Petitioners/ Accused No.3&4

Vs

The State rep.by,
The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
Crime No.90 of 2023..

... Respondent/Complainant

For Petitioners : Mr.A.Jeyakumar,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.90 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos. 3 & 4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of Indian Penal Code, 1860, in Crime No.90 of 2023, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that in a drunken mood, the petitioner along with the other accused stolen the defacto complainants's uncle bike. Hence, the case.

3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that due to previous enmity, the present complaint has been given by the defacto complainant.

4. The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that the first petitioner is having two previous cases and the second petitioner is having no previous cases. He further submitted that the property has been recovered from the first accused.

5. In view of the antecedents of the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this petition is dismissed insofar as the first petitioner is concerned.

6. Considering the facts and the circumstance of this case and also the fact that the second petitioner is not having any bad antecedents, this Court is inclined to



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grant anticipatory bail to the second petitioner.

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7. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Cheranmahadevi, and on his executing 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 second petitioner shall appear before the respondent police on every Saturday at 10.30 am until further orders. The second petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

8. The second petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

18/07/2023

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/08/2023

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

tta

<https://www.mhc.tn.gov.in/judis>



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TO

1.THE JUDICIAL MAGISTRATE, CHERANMAHADEVI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3.THE INSPECTOR OF POLICE,
MUKKUDAL POLICE STATION, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.A.JEYAKUMAR, Advocate (SR-11023[I] dated 20/07/2023)

ORDER

IN

CRL OP(MD) No.13097 of 2023

Date :18/07/2023

RK/VRS (04/08/2023) 4P / 6C

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