



CRL OP(MD). No.13322 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

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1. Ari @ Arivalagan @ Arivu

2. Raja @ Rajasekar

... Petitioners/ Accused Nos. 3 & 8

Vs

State Rep.by
The Inspector of Police,
Koodankulam Police Station,
Koodankulam,
Tirunelveli District
Crime No.382 of 2023.

... Respondent/ Complainant

For Petitioners : M/s.Sankara Pandian.J, 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.382 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-



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The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 381 @ 457, 380, 381 r/w 34 IPC, in Crime No.382 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first accused is the employee of L & T Company. On 13.07.2023 at about 05.50a.m., the defacto complainant, who is working as a Security, intercepted the vehicle and found that the first accused along with other accused persons had committed theft of 18.5kgs of copper wires. The first accused was caught red handed and handed over to the respondent along with the property. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case was foisted against them, since they are the friends of A1. There was no recovery from the petitioner. The first petitioner is studying in M.B.A., and the second petitioner is not having any qualification. The petitioners are not having any previous case at their credit Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that though the petitioners are not having any previous case at their credit, in this case the accused persons had committed theft of copper wire. Hence, prays to dismiss the



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petition.

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5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the entire property has been recovered from the first accused at the time of arrest and there is no specific allegation as against the petitioners, except they had accompanied A1 and the petitioners are not having any previous case at their credit, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Radhapuram, Tirunelveli District, 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 learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 06.00 p.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners 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,
the petition for anticipatory bail stands dismissed.

sd/-
21/07/2023

/ TRUE COPY /

/07/2023

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

PNM
TO

- 1 THE JUDICIAL MAGISTRATE
RADHAPURAM, TIRUNELVELI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KODANKULAM POLICE STATION,
KODANKULAM,
TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.SANKARA PANDIAN, Advocate (SR-11130[I] dated 24/07/2023)

ORDER
IN

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Date :21/07/2023

PKP/DD/SAR- /29.07.2023/ 4P/6C
Madurai Bench of Madras High Court is issuing certified
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