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

Date : 31.08.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD)No.15764 of 2023

K.Alexander

... Petitioner/3rd Party

Vs

The State represented by
The Inspector of Police,
Viralimalai Police Station,
Viralimalai,
Pudukottai District.

... Respondent/Complainant

For Petitioner : Mr.M.Senthil Kumar, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.181 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC in Crime No.181 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant kept iron rods for the purpose of constructing his house at Kaviyarasu Garden, Pudupatti Road, Boothakudi Village. Some of iron rods, worth about Rs.16,000/- had been stolen by



some unidentified persons. Hence, the case. Based on the confession statement of the co-accused, the petitioner herein implicated in this case as an accused.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent person and he has been falsely implicated in this case. The main accused in this case was arrested and property was also recovered. Hence, he prayed for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that iron rods worth about Rs.16,000/- had been stolen by the accused persons. However, the main accused in this case was arrested and property was also recovered. He would further submit that the petitioner herein is not having any previous cases.

5.Heard both side and perused the materials available on record.

6.Considering the rival submissions on either side and considering the fact that the main accused in this case was arrested and property was also recovered and also considering the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7.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, Iluppur, Pudukottai District,



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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 on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter as and when required for interrogation.

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

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

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

31/08/2023

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/09/2023

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



WTO COPY

- 1 THE JUDICIAL MAGISTRATE,
ILUPPUR, PUDUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
VIRALIMALAI POLICE STATION,
VIRALIMALAI,
PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.MUTHUVEL, Advocate (SR-13018[I] dated 31/08/2023)

ORDER
IN

CRL OP(MD) No.15764 of 2023
Date :31/08/2023

SS/JGB/12/09/2023/4P/6C

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