



CRL OP(MD)No.15793 of 2023

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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.15793 of 2023

J.Pambu @ Vaitheeswaran

... Petitioner/Rank not known

Vs

The State rep.by,
The Inspector of Police,
Melattur Police Station,
Thanjavur District.
(Crime No.105 of 2023)

... Respondent/Complainant

For Petitioner : Mr.A.S.Vaigunth, 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.105 of 2023 on the file of the respondent police



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ORDER : The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC in Crime No.105 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as security in Patel Infrastructure Limited company for the past four years. On 11.05.2023, at about 01.00 pm., when the defacto complainant was at duty at Karuppur village NH No.146/671, Tanjore to Cholapuram bypass malesemmangudi, one person, who came in two wheeler, informed that six persons stolen away wires, worth about Rs.15,000/-. Hence, the case.

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 co-accused already released on bail and hence, he prayed for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the stolen property was recovered and there is no previous case pending against the petitioner.



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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 property was recovered and co-accused released on bail and also considering the fact that the petitioner is not having any previous case, 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 No.II, Thanjavur, 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 until further orders.

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



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[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

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

TO

1.THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3.THE INSPECTOR OF POLICE,
MELATTUR POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.A.S.VAIGUNTH, Advocate (SR-13032[I] dated 31/08/2023)

ORDER
IN
CRL OP(MD) No.15793 of 2023
Date :31/08/2023

RK/VRS (11/09/2023) 5P /6C

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