



CRL OP(MD)No.16917 of 2023

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

Date : 20.09.2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD)No.16917 of 2023

Prasad @ Praveen Kumar

... Petitioner/1st Accused

Vs

The State represented by
The Inspector of Police,
Oomatchikulam Police Station,
Madurai District.
(Crime No.44 of 2023)

... Respondent/Complainant

For Petitioner : Mr.C.Ezhilarasu, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.44 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/ A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC in Crime No.44 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 first accused stolen the cow of the defacto complainant with the help of the unnamed accused persons and transported the same in TATA ACE Mini Load van. The second accused is the driver of the van. The defacto complainant caught red handed the second accused. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is an innocent and he has been falsely implicated in this case. Hence, he prayed for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the accused persons stolen the cow of the defacto complainant and the defacto complainant caught red handed the accused. Now, the cow is recovered and there is no previous case pending as against the petitioner herein. The investigation of this case is pending.

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 stolen property was recovered and no previous case is pending as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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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 V, Madurai 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].



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

sd/-
20/09/2023

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.V
MADURAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
 - 3 THE INSPECTOR OF POLICE
OOMATCHIKULAM POLICE STATION, MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1 CC to M/s.C.EZHILARASU, Advocate (SR-13898[I] dated 20/09/2023)



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ORDER
IN
CRL OP(MD) No.16917 of 2023
Date :20/09/2023

SS/VRS/27/09/2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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