



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16767 of 2023

Arumugam,

... Petitioner/ Accused Rank Not Known

Vs

The State rep. by
The Inspector of Police,
Shanarpatti Police Station,
Dindigul District.
Crime No.160 of 2023.

... Respondent/ Complainant

For Petitioner : M/s.G.Karnan,
Advocate.

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.160 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 379 of IPC, in Crime No.160 of 2023 on the file of the respondent police, seeks anticipatory bail.

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



2. The case of the prosecution is that on 25.05.2023 at about 2.30 a.m., some unknown persons have stolen the defacto complainant's cow from his house. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that only on the basis of the confession statement made by the co-accused this petitioner was implicated, who was arrested and released on bail by the learned Judicial Magistrate No.III, Dindigul.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the cow worth about Rs.70,000/- has been stolen by the accused persons. Out of the above said amount Rs.40,000/- has been recovered. But, the cow could not be traced.

5. Considering the nature of offence, the overt act attributed against the petitioner, amount is recovered, this Court is inclined to grant anticipatory bail to the petitioner on payment of condition.

6. Accordingly, this Criminal Original Petition is allowed, on condition that the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Cr.No.160 of 2023 before the trial Court concerned, without prejudice to his rights and contentions before the trial Court. The defacto complainant is permitted to withdraw the above said amount.



7. On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.III, Dindigul, 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 the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
15/09/2023

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

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TO

1. The Judicial Magistrate No.III, Dindigul

2. Do-Through The Chief Judicial Magistrate,
Dindigul District.

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



3. The Inspector of Police,
Shanarpatti Police Station,
Dindigul District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.KARNAN, Advocate (SR-13722[I] dated 15/09/2023)

ORDER
IN
CRL OP(MD) No.16767 of 2023
Date :15/09/2023

SSA/DD/26.09.2023/4P/6C

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