



CRL OP(MD). No.17408 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.17408 of 2023

A.Selvam

... Petitioner/2nd Accused

Vs

**State Represented by,
The Inspector of Police,
Sempatti Police Station,
Dindigul District.
(Crime No.265 of 2023).**

... Respondent/Complainant

For Petitioner : Mr.C.Senthil Murugan,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.265 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioner/2nd Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 IPC in Crime No.265 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 22.08.2023, the first accused has stolen nine bags containing onion by using a two wheeler bearing Registration No.TN 57 AY 5647 and TN 57 BJ 3452 and after seeing the same, the defacto complainant and others have chased the first accused, at that time, the first accused has dropped the onion bags at the petitioner's bricks unit and fled away from the place of occurrence. Hence the complaint.

3. The learned counsel for the petitioner would contend that the petitioner is innocent. He would further submit that co-accused has been granted bail by the concerned trial Court in Cr.M.P.No.4085 of 2023 on 02.09.2023. There is no recovery made from this petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the property is worth about Rs.15,000/- and the same was recovered. Further, no previous case is pending against the petitioner.

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

6. Considering the submissions on either side and considering that co-accused has been released on bail by the concerned trial Court, no previous case is pending



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against the petitioner and the property is recovered, 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, Athoor, Dindigul District, 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 10.00 am., for the period of 30 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/-
29/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDICIAL MAGISTRATE,
ATHOOR, DINDIGUL DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
SEMPATTI POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.C.SENTHILMURUGAN, Advocate (SR-14481[I] dated 29/09/2023)

ORDER

IN

CRL OP(MD) No.17408 of 2023

Date :29/09/2023

PKP/DD/SAR- /06.10.2023/ 5P/6C

Madurai Bench of Madras High Court is issuing certified
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