



CRL OP(MD). No.20157 of 2023

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

Date : 09/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.20157 of 2023

Krishnan

... Petitioner/ Accused No.2

Vs

The State represented by
The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.
Crime No. 253/2023.

... Respondent/Complainant

For Petitioner : Mr.M.Pitchai Muthu,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 253 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused,who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC in Crime No.253 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 petitioner herein and other accused have committed the theft of goat belongs to the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner herein and other accused have committed the theft of goat belongs to the defacto complainant worth about Rs.5,000/- and the A1 has already been arrested and released on bail. He would further submit that investigation of the case is pending and hence, strongly objected to granted bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and that the co-accused have already released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:



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6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Manaparai, Trichy 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 conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner is directed to deposit a sum of Rs. 5,000/- (Rupees Five Thousand only) to the credit of crime No.253 of 2023 on the file of concerned Court without prejudice to his rights and contentions before the trial Court and produce the receipt / acknowledgment before the concerned Court while executing sureties;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.



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

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

[f] 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 is 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]**.

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

sd/-

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

TRP

TO

1 THE JUDICIAL MAGISTRATE
MANAPARAI, TRICHY DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
THUVARANKURICHI POLICE STATION, TRICHY DISTRICT.

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

ORDER
IN

CRL OP(MD) No.20157 of 2023
Date :09/11/2023

SS/JGB/SAR- /21/11/2023/5P/5C

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