



CRL OP(MD)No.20358 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.11.2023

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD)No.20358 of 2023

Thangamuthu

... Petitioner/Sole Accused

Vs.

State represented by
The Inspector of Police,
Aruppukkottai Town Police Station,
Virudhunagar District.
(Crime No.260 of 2023)

... Respondent/Complainant

For Petitioner : Mr.P.Balasubramanian, Advocate.
For Respondent : Mr.R.M.S.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.260 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 454, 380 & 511 of IPC, in Crime No.260 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Retired Army soldier and past two years he has been working as Rotator in Airtel and Vodafone



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towers in Evergreen Security Management Services for around 500 cell phone towers in Virudhunagar, Tuticorin and Tirunelveli District and Monitoring the Indus Towers at Aruppukkottai Bypass Tower. On 03.11.2023, the petitioner, who attempted to damage and stolen the 8 meter cable and absconded. 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 and he prays for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner herein is having one previous case but not similar in nature and the investigation of the case is pending and hence, he strongly objected to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and also the fact that the petitioner is not having any previous case similar in nature, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

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, Aruppukkottai, Virudhunagar District, on condition that the petitioner shall execute a bond for a sum



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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 his 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.260 of 2023 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 one month and thereafter, as and when required for interrogation.

[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].



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[g]If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229-A IPC.

sd/-

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

VSD

TO

- 1 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
- 3 THE INSPECTOR OF POLICE, ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.20358 of 2023
Date :10/11/2023

RS/JGB/SAR-(17.11.2023) 4P 5C
Madurai Bench of Madras High Court is issuing
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