



CRL OP(MD)No.21486 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 05.12.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.21486 of 2023

Sathyaraj

... Petitioner/ Accused (Rank not known)

Vs

The Inspector of Police,  
Eriodu Police Station,  
Dindigul District.  
(Crime No.253 of 2023)

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar, Advocate

For Respondent : Mr.RMS.Sethuraman,  
Additional Public Prosecutor.

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, who apprehends arrest at the hands of the respondent police for



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the offences punishable under Section 379 IPC in Crime No.253 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that electric cable length about 90 meter was stolen from the agricultural land of the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that there is no overt act as against the petitioner and only based on the confession statement of A1, the petitioner herein was implicated as an accused. Hence, he seeks anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the property was recovered from A2 and there is no previous case pending as against the petitioner herein.

5.On perusal of records, it is noticed that the petitioner herein was implicated in this case only based on the confession statement of A1 and property was not recovered from the petitioner herein. It is also noticed that there is no previous case pending as against the petitioner.

6.Considering the facts and circumstances of the case and also taking into consideration of the principle stated by the Honourable Supreme Court in *Sanjay Chandra and others vs. CBI* reported in (2012)1 SCC 40, this Court is inclined to



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grant anticipatory bail to the petitioner, subject to the following conditions:

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[i] 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, Veda sandhur, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that

(ii) 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 Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the trial Court on summons.

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

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

[e] 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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-  
05/12/2023

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/12/2023  
Sub-Assistant Registrar (C.S. )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

GNS

TO

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

+1 CC to M/s.T.LENINKUMAR, Advocate ( SR-17296[I] dated 05/12/2023 )



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ORDER  
IN  
CRL OP(MD) No.21486 of 2023  
Date :05/12/2023

SS/JGB/SAR- /14/12/2023/5P/6C

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