



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP. 30327 of 2024 and

CRL MP. 17821 OF 2024

BALAMURUGAN
S/O.MUTHAIYAN,
RESIDING AT NO 39 MARIYAMMAN KOVIL
STREET KATHIKAMAM
PUDUCHERY

PRESENTLY AT NO.3/2, NATTU MUTHU
KUMARAPA STREET, MYLAPORE, CHENNAI - 600
004 AND ANOTHER

PETITIONER(S)

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE, DHANVANTRI
NAGAR POLICE STATION, PUDUCHERRY. CRIME
NO.334 OF 2020

RESPONDENT(S)

For Petitioner(s):

ARULPRAKASH D

For Respondent(s):

Mr.K.S.MOHANDASS
PUBLIC PROSECUTOR (PUDUCHERRY)

ORDER



WEB CODE

Apprehending arrest in connection with Crime No.334 of 2020 registered for the offences punishable under Section 380 of IPC, 1860, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that the Accused who were tenants of Defacto Complainant had committed theft of 8 sovereigns of jewels and one lakh cash from the house of defacto Complainant. Hence the case.

3. The learned counsel for the petitioner would submit that the Petitioners are innocent and due to tenancy dispute, false complaint has been given. He would further submit that there is considerable delay in complaint and further the respondent had earlier closed the case as undetected and later, only on the directions from the Court, the investigation has been re-opened and the petitioners have been fixed in this case. Therefore they seeks for anticipatory bail.

4. Learned Government Advocate (Crl.side) would submit that the petitioners are tenants in the house of defacto Complainant had committed theft of 8 sovereigns of gold and one lakh cash from the house of defacto complainant.



WEB COURT

5. Learned Counsel for the Intervener/ Defacto Complainant would submit that the Petitioners had committed theft of 8 sovereigns of gold jewels and one lakh cash from the house of defacto Complainant and objects to the grant of anticipatory bail.

6. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly the petitioners are ordered to be released on bail in the event of arrest or on his/her appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, Puducherry, on condition that the petitioners 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent



Police daily at 10.30 a.m., for a period of two weeks and thereafter on every Saturday at 6.30 p.m until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

13-12-2024

shl

To
1. THE STATE REP BY ITS,



THE INSPECTOR OF POLICE,
DHANVANTRI NAGAR POLICE STATION,
PUDUCHERRY.
(CRIME NO.3340F 2020)RESIDING AT NO 39
MARIYAMMAN KOVIL STREET KATHIKAMAM
PUDUCHERY

A.D.JAGADISH CHANDIRA, J.



WEB COPY



shl

CRL OP. 30327 of 2024

13.12.2024