



CRL OP(MD) No.735 of 2024

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

Thursday, the Eighteenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.735 of 2024

BALAMURUGAN

... PETITIONER / ACCUSED RANK No.5

Vs

THE SUB INSPECTOR OF POLICE
KOOMBUR POLICE STATION,
DINDIGUL DISTRICT
CRIME NO.130 OF 2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.ARUL JENNIFER.A Advocate

For Respondent : Mr.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CR.NO.130/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent
police for the alleged offence under Section 379 of IPC, in Crime No.130 of 2023,
seeks anticipatory bail.



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2.The case of the prosecution is that on 29.09.2023, the petitioner along with other accused stolen the Finolex Texmo Cable Wire worth about Rs.15,000/- from the garden of the defacto complainant. Thereby, the defacto complainant made a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that this is a second anticipatory bail application. Earlier petition filed by the petitioner in Crl.OP(MD) No.21599 of 2023 was dismissed by this Court, on 05.12.2023 on the ground that the petitioner is having 2 previous cases. But, the said cases are not in similar nature. Even though, the earlier petition was dismissed, the Law Enforcing Agency did not take any steps to secure the accused. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the petitioner is having 2 previous cases. The investigation is not yet completed and the stolen article was recovered.

5. Considering the facts and circumstances of the case and also considering the facts that even though earlier anticipatory bail petition was dismissed by this Court, on 05.12.2023, the Law Enforcing Agency has not shown



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any interest to secure the accused, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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, Vedasandur, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;



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(d) the petitioner shall not tamper with 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 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]*; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/01/2024

/ TRUE COPY /

/01/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1 THE JUDICIAL MAGISTRATE,
VEDASANDUR, DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.



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3 THE SUB INSPECTOR OF POLICE
KOOMBUR POLICE STATION, DINDIGUL DISTRICT

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

+1 CC to M/s.A.ARUL JENIFER, Advocate (SR-760[I] dated 18/01/2024)

ORDER
IN
CRL OP(MD) No.735 of 2024
Date :18/01/2024

SS/VR/SAR- /23/01/2024/5P/6C

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