



CRL OP(MD) No.611 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Friday, the Twelfth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.611 of 2024

(*)RAMESH @ J.RAMESHPANDIAN

... PETITIONER/ ACCUSED No.1

Vs

THE INSPECTOR OF POLICE
VILAMPATTI POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.159 OF 2023)

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.A.SIVASUBRAMANIAN, 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 CRIME NO. 159 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent
police for the alleged offence under Section 379 of IPC and Section 4 of TNPWH Act,

in Crime No.159 of 2023, seeks anticipatory bail.

<https://www.mhc.tn.gov.in/judis>



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2.The case of the prosecution is that the petitioner along with other accused stolen 3 goats of the defacto complainant. Thereby, the defacto complainant made a complaint before the Law Enforcing Authority.

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 the second anticipatory bail petition. Earlier anticipatory bail petition in Crl.OP(MD)No.22688 of 2023 was dismissed by this Court, on 15.12.2023. However, the petitioner is ready and willing to pay a sum of Rs.30,000/- by way of Demand Draft to the defacto complainant without prejudice to his rights and prayed for granting anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is come forward to deposit a sum of Rs.30,000/- to the defacto complainant, this Court may consider the anticipatory bail application of the petitioner.

6.Considering the facts and circumstances of the case and also considering the facts that the petitioner is come forward to pay a sum of Rs.30,000/- (Rupees Thirty Thousand Only) without prejudice to his rights and contentions to show his bona fides, this Court is inclined to grant anticipatory bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nilakottai, 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) (i) the petitioner shall take a Demand Draft in favour of the defacto complainant for a sum of Rs.30,000/- (Rupees Thirty Thousand Only) and produce the same before the learned Judicial Magistrate, Nilakottai,. On production of such Demand Draft, the learned Judicial Magistrate, Nilakottai, shall accept the sureties furnished by the petitioner and entrust the said Demand Draft directly to the defacto complainant.

(iii) the petitioner shall produce the Demand Draft before the execution of the sureties, failing which this order shall stand automatically cancelled.

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



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

(d) the petitioner shall report before the respondent police daily at 1030 p.m until further orders;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) 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;



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

sd/-
12/01/2024

(*)Cause title Amended as per Order of the Court dt.07.02.2024 in CrI.MP(MD). 1325/2024 in CrI.OP(MD).611/2024.

Further time granted by this Court, vide order dated 12.01.2024, is extended for a period of two weeks from the date of receipt of copy of this order.

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/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

TO BE SUBSTITUTED WITH THE ORDER DT.12/01/2024 IS ALREADY DESPATCHED

- 1 THE JUDICIAL MAGISTRATE,
NILAKLOTTAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
VILAMPATTI POLICE STATION,
DINDIGUL DISTRICT.



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

ORDER
IN
CRL OP(MD) No.611 of 2024
Date :12/01/2024

PKP/JGB/SAR /24.01.2024/ 6P/ 5C

INDU
SA/GS/SAR. /16.02.2024/6P/5C
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