



CRL OP(MD) No.392 of 2024

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

Wednesday, the Tenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.392 of 2024

ESAKIRAJA

... Petitioner / Accused Rank not known

Vs

THE INSPECTOR OF POLICE
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.164 OF 2023.)

... Respondent / Complainant

For Petitioner : M/s.P.Praveenkumar, Advocate

For Respondent : Mr.SS.Madhavan,
Government Advocate (CrI. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.164 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/Accused Rank Not Known, who apprehends arrest at the
hands of the respondent police for the alleged offence under Section 392 of IPC, in
Crime No.164 of 2023, seeks anticipatory bail.



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2.The case of the prosecution is that on 12.11.2023, at about 08.30 p.m, when the defacto complainant proceeding towards his house in his two wheeler bearing Reg.No.TN-72-CW-2162 near V.V.College Road, the petitioner along with other accused persons waylaid the defacto complainant and demanded him to give petrol for their motorcycle. When the same was refused, they attacked him with their hands and took away his motorcycle. Hence, 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 already the Law Enforcing Authority recovered the stolen motorcycle from the unknown person. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that already stolen motorcycle was recovered and except this case, no previous case is pending against the petitioner.

5. Considering the facts and circumstances of the case and also considering the facts that already stolen motorcycle was recovered and no previous antecedent is reported against the petitioner, I am inclined to grant anticipatory bail to the petitioner.



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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, Sathankulam, 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;

(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;



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(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/-
10/01/2024

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/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,
Sathankulam.

2.Do through the Chief Judicial Magistrate,
Thoothukudi District.

3.The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.392 of 2024
Date :10/01/2024

ED/ JGB /SAR- (18/01/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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