



CRL OP(MD) No.749 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.749 of 2024

SHANMUGAKANI

... PETITIONER/
ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION,
SRIRANGAM,
TRICHY DISTRICT.
CRIME NO.2617 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR. YAMUNA R. Advocate

For Respondent : MR.SS.MADHVAN Govt. Advocate (Crl. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.2617 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



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hands of the respondent police for the alleged offence under Section 379 of IPC, in
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Crime No.2617 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was functioning as Secretary in the Vishwahindu Parishad Office at Srirangam Amma Mandapam for the past 4 years. On 22.08.2023, at about 09.00 a.m, when he went to the office, he found that 30 metre of wires leading from the EB main to the Office had been cut off and stolen. On enquiry, the stolen properties were sold to the petitioner by the other accused. 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 the petitioner is running an old material receiving shop. He received only the old and waste materials form the customer. The Law Enforcing Agency registered 3 cases against the petitioner. In one case, he was arrested and remanded to judicial custody and subsequently, released on bail. Thereafter, the Law Enforcing Agency did not take any steps to secure the accused. The earlier anticipatory bail petition filed by the petitioner in CrI.OP(MD)



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No.21485 of 2023 was dismissed by this Court on 12.12.2023 without considering the same. Hence, he prays for grant of anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the petitioner is having 3 previous cases. In one case, he was arrested and subsequently, released on bail.

5. Considering the facts and circumstances of the case and also considering the fact that even though 3 criminal cases were registered against the petitioner and in one case, he was arrested and subsequently, released on bail, the Law Enforcing Agency has not taken steps to arrest the accused in respect of earlier cases, this Court is 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 District Munsif cum Judicial Magistrate Srirangam, Trichy, 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



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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;

(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;



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

sd/-
18/01/2024

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE SRIRANGAM,
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3.THE INSPECTOR OF POLICE,
SRIRANGAM POLICE STATION,
SRIRANGAM, TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.749 of 2024
Date :18/01/2024

RK /VR(24/01/2024) 5P / 5C

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