



CRL OP(MD) No.1081 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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ATHI LAKSHMI

... PETITIONERS/ ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.
CR.NO.464/2023

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.PRABHU,
Advocate
For Respondent : MR.S.MANIKANDAN,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER :

FOR ANTICIPATORY BAIL IN CR.NO.464/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.1, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Section 379 of I.P.C., in



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Crime No.464 of 2023 on the file of the respondent Police, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner and the defacto complainant are relatives. Since the defacto complainant is working as Mechanic, he stored the wastage machinery parts worth about Rs.1,90,000/- in his place. On 25.01.2023, some portion of the wastage machinery parts were found missing, which is worth about Rs.20,000/-. When he enquired about the same, it was came to know that the petitioner sold the same to A2. Hence, the defacto complainant made a complaint before the Law Enforcing Agency.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that at the request made by the defcto complainant only, the petitioner sold the said wastage machinery parts to A2. Due to wreck vengeance, false case has been foisted against the petitioner. Further, the worth of the sold wastage machinery parts is Rs.20,000/- only. But, the defacto complainant demanded a sum of Rs.1,90,000/- from the petitioner. However, on instructions, he further submitted that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.20,000/- by way of demand draft drawn in favour of the defacto complainant. Hence, he prays for grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State



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submitted that the petitioner sold the wastage machinery parts belongs to the defacto complainant without his knowledge. However, he fairly conceded that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.20,000/- by way of demand draft drawn in favour of the defacto complainant, this Court may consider this petition.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioner is ready and willing to deposit a sum of Rs.20,000/- by way of demand draft drawn in favour of the defacto complainant, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner 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 Judicial Magistrate Court, Thirumangalam, Madurai 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;



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(b)the petitioners are directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) by way of demand draft drawn in favour of the de-facto complainant, without prejudice to his rights and contentions before the trial and on production of proof/acknowledgement, the learned Magistrate shall accept the sureties furnished by the petitioner and entrusted the said Demand Draft to the defacto complainant directly;

(c)the sureties shall affix their 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 their identity;

(d)the petitioner shall report before the respondent police as and when required for interrogation;

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

(f)the petitioner 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/-
24/01/2024

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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, THIRUMANGALAM, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.S.PRABHU, Advocate (SR-1113[I] dated 30/01/2024)

ORDER

IN

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Date :24/01/2024

RS/VR/SAR-(31.01.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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