



CRL OP(MD) No.1204 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Monday, the Twenty Ninth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1204 of 2024

MARISELVAM

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE  
MANIMUTHAR POLICE STATION,  
TIRUNELVELI DISTRICT.  
(CRIME NO.5 OF 2024)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.BALAJI NIVAS,  
Advocate

For Respondent : MR.S.MANIKANDAN,  
Government Advocate (Crl.Side)

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

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO. 5 OF 2024 ON THE FILE OF THE  
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent  
police for the alleged offence under Section 380 of IPC, in Crime No.5 of 2024, on the  
file of the respondent police, seeks anticipatory bail.



**CRL OP(MD) No.1204 of 2024**

WEB COPY

2.The case of the prosecution is that during the Central Board of Indirect Taxes and Customs training program, the petitioner, who is a Police constable, committed theft of six cell phones, two air pads and Rs.6,000/- from the inmates. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the Police Constable and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and all those misplaced cell phones were recovered by the respondent police. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submitted that except one air pad, all the stolen articles were recovered. However, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the alleged stolen articles were traced out, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and 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 learned Judicial Magistrate, Ambasamuthram, Tirunelveli District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



CRL OP(MD) No.1204 of 2024

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 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;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(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;



CRL OP(MD) No.1204 of 2024

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

sd/-  
29/01/2024

/ TRUE COPY /

/02/2024

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE, AMBASAMUTHRAM, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE, MANIMUTHAR POLICE STATION,  
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.BALAJI NIVAS, Advocate ( SR-1110[I] dated 30/01/2024 )

ORDER

IN

CRL OP(MD) No.1204 of 2024

Date :29/01/2024

RS/JGB/SAR-(01.02.2024) 4P 6C

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