



CRL OP(MD) No.2903 of 2024

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

Thursday, the Twenty Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 C.S.BUVANENDRAN

2 S.ARIVALAGAN

3 S.V.G RAVEENDRAN

4 R.SADAYANDI

5 K.BOMMAIYAN

6 R.SURULIAPPAN

7 VAJPAYEE @ EASWARAN

8 BALAMURUGAN @ BALAKUMAR

9 K.KASI

10 R.GURUCHEV

11 S.THIRUPATHY

12 S.MANI @ BUNGALOW MANI

13 BALAMURUGAN

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WILSON 14 SENDRAYAN

15 ALAGAR @ MOOKAN ALAGAR ... PETITIONER/
ACCUSED NOS.A1 TO A3, A5 TO A7, A9 TO A17

Vs

THE INSPECTOR OF POLICE
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.
CRIME NO.40/2024.

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.CHANDRASEKAR.S Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.40/2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.1 to 3, 5 to 7, 9 to 17, who apprehend arrest at
the hands of the respondent police for the alleged offence punishable under 406 and
420 IPC in Crime No.40 of 2024, on the file of the respondent Police, seek anticipatory
bail.

2. The case of the prosecution is that the petitioners had stolen the

Vinayagar Idol belonging to the Village. Hence, the complaint.



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3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioners, already installed the original Vinayagar idol in the very same place and hence, he prays for anticipatory bail.

4. Heard the learned Government Advocate (Criminal Side) appearing for the respondent Police.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, Theni District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), each 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



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Magistrate concerned and on further condition that:

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(a).as per the undertaking given by the petitioners, the petitioners are directed to place the original Vinayagar idol in the very same place within a period of two weeks from the date of receipt of a copy of this order and necessary photo shall also be filed before the trial Court. The concerned Magistrate, after perusing the said photograph, shall accept the sureties furnished by the petitioner;

(b).if the petitioners 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;

(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 petitioners are directed to appear before the respondent Police as and when required for interrogation;

(e).the petitioners 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 petitioners in accordance



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with law as if the conditions have been imposed and the petitioners 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;

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

sd/-
28/03/2024

/ TRUE COPY /

/04/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1.THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI.

3.THE INSPECTOR OF POLICE
RAYAPPANPATTI POLICE STATION, THENI DISTRICT.

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

+1 CC to M/s.S.CHANDRA SEKAR, Advocate (SR-3978[I] dated 28/03/2024)

ORDER IN
CRL OP(MD) No.2903 of 2024
Date :28/03/2024

RK/JGB(05/04/2024) 5P / 6C

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

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