



CRL OP(MD) No.4622 of 2024

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

Friday, the Twenty Second day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4622 of 2024

SIVANESWARI

... PETITIONER/ ACCUSED A3

Vs

THE INSPECTOR OF POLICE
RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.32/2024.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.VAMANAN.K Advocate

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

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.32/2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner / Accused No.3, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Sections 379 of I.P.C. in

<https://www.mhc.tn.gov.in/judis>



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Crime No.32 of 2024, on the file of the respondent Police, seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner along with other accused persons had stolen the goats belonged to the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that, the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.30,000/- to the defacto complainant. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the petitioner along with other accused persons had stolen seven goats, out of which, three goats were recovered from the accused persons.

5. Considering the facts and circumstances of the case, this Court is 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 District Munsif-cum-Judicial Magistrate, Radhapuram 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) As per the undertaking given by the petitioner, the petitioner shall deposit a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Crime No.32 of 2024 before the learned District Munsif-cum-Judicial Magistrate, Radhapuram and on such deposit, the learned Judicial Magistrate shall disburse the same to the defacto complainant after obtaining a proper affidavit. In the event of the petitioner succeeds in the criminal case, the petitioner will be entitled for the refund of the said amount.

(b) 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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(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 for a period of two weeks at 10.30 A.M., and thereafter 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 petitioners in accordance 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;



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

sd/-
22/03/2024

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/03/2024

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

TSG

TO

1. THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE, RADHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3.THE INSPECTOR OF POLICE
RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.K.VAMANAN, Advocate (SR-3579[I] dated 22/03/2024)

ORDER
IN

CRL OP(MD) No.4622 of 2024
Date :22/03/2024

RK/VR(28/03/2024) 5P / 6C

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