



CRL OP(MD). No.5514 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.5514 of 2024

1. Siva @ P.Karuppaiya

2. B.Muthukumar

3. Balu @ Bala Subramaniyan

... Petitioners/ Accused Nos. 1 to 3

Vs

The Inspector of Police,
Navalpattu Police Station,
Trichy District.
(Crime No.47 of 2024).

... Respondent/ Complainant

For Petitioners : Mr.K.Praveen Kumar,Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime no.47 of 2024 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.47 of 2024, for the offence punishable under Sections 294(b), 447, 379 and 506(i) IPC, have filed this petition seeking anticipatory bail.

2. The case of the prosecution is that the 1st petitioner, who is a Building Contractor, has built a house for the defacto complainant and there was dispute between the parties. Subsequently on 27.03.2024 at about 2.45am., the 1st petitioner and other accused persons trespassed into the house of the defacto complainant and took the CCTV Cameras, 4 wooden doors, 2 UPVC Doors, 2 Silver lamps and cash of Rs.1,10,000/-. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Only the defacto complainant has to pay the dues to the first petitioner. In order to escape from the dues, this false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

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4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that in this case, investigation is yet to be completed. However, he fairly submitted that during the course of investigation, the first petitioner has handed over the portion of stolen articles.

5.It appears that the petitioner is the Engineer, who has constructed a house for the defacto complainant. There was a dispute between them. Therefore, the defacto complainant has lodged a complaint, as if, the first petitioner along with others has taken away the CCTV cameras, doors, silver articles and cash from his house. However, the first petitioner has denied the same and claimed that only the defacto complainant is liable to pay the dues to the first petitioner.

6.Considering the nature of offence, this Court has granted interim anticipatory bail to the petitioners to co-operate for the investigation. During the course of investigation, the alleged portion of stolen articles were recovered from the first petitioner.



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7. Considering the facts and circumstances of the case, the relationship between the first petitioner and the defacto complainant and the development made pursuant to the grant of interim anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail in the event of their arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the concerned Judicial Magistrate on condition that

(i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Trichy;

(ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioners shall appear before the respondent police as and when required for interrogation. They have to co-operate for the investigation;

(iv) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses;



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(v) On violation of any of the above conditions by the petitioners, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
25/04/2024

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/05/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM
TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TRICHY.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
NAVALPATTU POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5514 of 2024
Date :25/04/2024

PKP/VR/SAR /30.04.2024/ 5P/ 5C
Madurai Bench of Madras High Court is issuing certified
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