



CRL OP(MD). No.7108 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.7108 of 2024

1. Suresh @ Vijayakumar

2. Daniel @ Daniel Thanga Raj

... Petitioners/ Accused 1 & 2

Vs

The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
Crime No.111/2024..

... Respondent/ Complainant

For Petitioners : M/S.C.Venkatesh,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER:

For Anticipatory Bail in Crime No.111 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for



CRL OP(MD). No.7108 of 2024

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the offence punishable under Section 379 of IPC in Crime No.111 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 28.07.2023, the petitioners had stolen the motor belonging to the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners have one previous case.

5.Taking into consideration the facts and circumstances of the case and also the fact that the petitioners have only one previous case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners 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



CRL OP(MD). No.7108 of 2024

WEB COPY

of a copy of this order, before the learned Judicial Magistrate No.1, Srivaikundam, 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 learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance



CRL OP(MD). No.7108 of 2024

WEB COPY

with law as if the conditions have been imposed and the petitioners are 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/05/2024

/ TRUE COPY /

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

YUVA

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
SRIVAIKUNDAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



CRL OP(MD). No.7108 of 2024

+1 CC to M/s.C.VENKATESH, Advocate (SR-5884[I] dated 28/05/2024)

ORDER
IN
CRL OP(MD) No.7108 of 2024
Date :24/05/2024

SS/JGB/SAR- /28/05/2024/5P/6C

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