



CRL OP(MD).No.7157 of 2024

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

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY
CRL OP(MD).No.7157 of 2024

1.Kumar

2.Malar @ Malarkodi

... Petitioners/ Accused

Vs.

State represented by
The Inspector of Police,
Emaneswarm Police Station,
Ramanathapuram District.
(Crime No.80 of 2024)

... Respondent/Complainant

For Petitioners : Mr.B.Ramamoorthi, 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.80 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 the offences punishable under Sections 379 of IPC, in Crime No.80 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 22.04.2024, the petitioners/A1 & A2



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stolen the defacto complainant's cow and Accused Nos.3 and 4 took the cow in TATA ACE bearing registration No.TN 63 BM 5271. Hence the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the vehicle was seized by the respondent police and hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the TATA ACE vehicle was recovered and the first petitioner/ Accused No.1 is having one previous case. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Taking into consideration the facts and circumstances of the case and also the fact that the TATA ACE vehicle was recovered, 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 of a copy of this order, before the learned Judicial Magistrate, Paramakudi, 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



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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 am., for a period of two weeks 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 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/-
22/05/2024

/ TRUE COPY /

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



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VSD
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To

- 1.The Judicial Magistrate,
Paramakudi.
- 2.Do through the Chief Judicial Magistrate,
Ramanathapuram District.
- 3.The Inspector of Police,
Emaneswaram Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.7157 of 2024
Date :22/05/2024

ED/ VR /SAR- (27/05/2024) 4P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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