



CRL OP(MD)No.7685 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.05.2024

PRESENT

THE HON'BLE MRS JUSTICE S.SRIMATHY

CRL OP(MD)No.7685 of 2024

Salaman

... Petitioner/ Accused No.1

Vs

The State, Rep., by
The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District,
(Crime No.238 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.R.L.DHILIPAN PANDIAN, Advocate

For Respondent : Mr.S.MANIKANDAN
Government Advocate (Crl. Side)

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

PRAYER :- For Anticipatory Bail in Crime No.238 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC in Crime No.238 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 10.05.2024, the petitioner and the other

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



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accused person are said to have illegally taken away the wheels of a bullock cart which was in the custody of the defacto complainant. Hence, the complaint.

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3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police vehemently objected for granting bail to the petitioner, since the petitioner is having seven previous cases of similar nature.

5.Taking into consideration the facts and circumstances of the case, this Court is inclined to one more opportunity to the petitioner by granting anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner 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 Judicial Magistrate, Thiruvaiyaru, Thanjavur District, 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 learned Magistrate concerned and on further conditions that:

[a]the petitioner 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



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card or bank pass book to ensure their identity.

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[b]the petitioner shall report before the Judicial Magistrate, Thiruvaiyaru, Thanjavur District daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c]the petitioner is directed to file an undertaking affidavit before the Judicial Magistrate that he will not indulge in such activity in future.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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].



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[g]If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229-A IPC.

sd/-
23/05/2024

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

ABR
TO

1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-5744[I] dated 23/05/2024)



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ORDER
IN
CRL OP(MD) No.7685 of 2024
Date :23/05/2024

SA/JGB/SAR. /27.05.2024/5P/6C

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