



CRL OP(MD). No.8686 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.8686 of 2024

1. K.Vivekananthan
2. Murugeshan
3. Shabarish

... Petitioners/ Accused No.1 to 3

Vs

The Inspector of Police,
Kumbakonam East Police Station,
Kumbakonam District
Cr.No.293 of 2024

... Respondent/ Complainant

Nandhini

... Petitioner/Third Party/ Victim & Defacto Complainant
In CRL MP(MD).6553/2024 in CRL OP(MD).8686/2024

For Petitioners : Mr.A.Bharathi, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)
For Intervenor : Mr.P.Krishnaveni, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.293 of 2024 on the file of the respondent police

ORDER : The Court made the following order :-



CRL OP(MD). No.8686 of 2024

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The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 448, 427 and 379 of IPC, in Crime No.293 of 2024, seek anticipatory bail.

The case of the prosecution is that on 16.05.2024, the petitioners have trespassed into the house of the defacto complainant and stolen all the things, which was kept inside of the house i.e., Apple Laptop, Apple Tap, Samsung Phone, Silver plate, Silver lamp, Sony T.V, jewels and other house hold articles. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. However, he would further submit that the petitioners shall abide any condition imposed by this Court.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police and the learned counsel for the defacto complainant would submit that the investigation is in preliminary stage. The worth of the stolen properties is Rs.1 crore and the same are yet to be recovered. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.1,00,000/- (Rupees One



CRL OP(MD). No.8686 of 2024

Lakh only) to the credit of Crime No.293 of 2024, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the Judicial Magistrate Court, Kumbakonam.

7.On production of such receipt, 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 Court, Kumbakonam, 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police weekly once i.e., every Saturday at 10.30 am until further order;

(c) the petitioners shall not tamper with 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



CRL OP(MD). No.8686 of 2024

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;

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

sd/-
15/07/2024

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/07/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss
TO

1 THE JUDICIAL MAGISTRATE,
KUMBAKONAM.

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

3 THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
KUMBAKONAM DISTRICT.

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

+1 CC to M/s.S.BHARATHI, Advocate (SR-8054[I] dated 18/07/2024)



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CRL OP(MD). No.8686 of 2024

ORDER

IN

CRL OP(MD) No.8686 of 2024

Date :15/07/2024

RS/JGB/SAR-(29.07.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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