



CRL OP(MD). No.9616 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2024

PRESENT

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

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Jahubar Alikhan,

... Petitioner/ Accused No.10

Vs

The Inspector of Police,
Idol Wing,
Tiruchirappalli.
(Crime No.5/2020)..

... Respondent/ Complainant

For Petitioner : D. Anbarasu, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.5/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / accused, who apprehends arrest at the hands of the respondent



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police for the offences punishable under Sections 454(2), 457(2), 380(2), 414 IPC r/w. 25(1) of AAT Act in Cr.No.5 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused were stolen idols from the temples for long back in which the petitioner assisted the other accused persons who sold the idols. Hence, the complaint.

3. The learned counsel for the petitioner would submit that it is a second anticipatory bail petition and in the earlier petition filed by the petitioner in Crl.O.P (MD).No.10747 of 2020, this Court has granted anticipatory bail to the petitioner on 12.10.2020. Due to illness, the petitioner is unable to produce the sureties and hence, he seeks anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that it is a Second Anticipatory Bail Petition and in the earlier petition filed by the petitioner in Crl.O.P (MD).No.10747 of 2020, this Court has granted anticipatory bail to the petitioner on 12.10.2020.

5.Considering the facts and circumstances of the case and also considering the fact that it is a second anticipatory bail petition, this Court is inclined to grant 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 his appearance, within a period of fifteen days from the date of receipt of a copy of

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this order, before the learned Chief Judicial Magistrate, Kumbakonam 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;



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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

229-A IPC.

sd/-
01/07/2024

/ TRUE COPY /

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

TRP
TO

- 1 THE CHIEF JUDICIAL MAGISTRATE, KUMBAKONAM.
 - 2 THE INSPECTOR OF POLICE
IDOL WING, TIRUCHIRAPPALLI.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.D.ANBARASU, Advocate (SR-7184[I] dated 01/07/2024)

ORDER
IN

CRL OP(MD) No.9616 of 2024
Date :01/07/2024

PKP/JGB/SAR /09.07.2024/ 4P/ 5C
Madurai Bench of Madras High Court is issuing certified
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