



CRL OP(MD). No.9575 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2024

PRESENT

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

CRL OP(MD). No.9575 of 2024

1. Venkatesh B,

2. Vetrivel,

... Petitioners/ Accused Rank Not known

Vs

The Sub Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
Cr.No.178 of 2024.

... Respondent/Complainant

For Petitioners : Mr.Krishna Kumar. S, 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.178 of 2024 on the file of the respondent police



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ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC in Cr.No.178 of 2024, seek anticipatory bail.

2.The case of the prosecution is that On 20.04.2024, at about 6.30 am, some masked man were stolen the cables worth about Rs.10,000/- from the defacto complainant's Wind Mill. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Based on the confession of co-accused only the petitioners herein were arrayed as accused and prays for allowing this petition.

4.The learned Additional Public Prosecutor would submit that the petitioners herein are having previous cases in similar nature of offence and based on the confession of co-accused they were arrayed as accused and the investigation of the case is pending.



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5.Considering the facts and circumstances of the case and also considering the fact that only based on confession the petitioners herein were arrayed as accused, 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 their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif – Cum - Judicial Magistrate, Radhapuram, 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 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 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 daily at 10.30 am until further orders.

(c) the petitioners shall not tamper with evidence or witness either during

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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 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/-
01/07/2024

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

TRP
TO

- 1 THE DISTRICT MUNSI CUM
JUDICIAL MAGISTRATE, RADHAPURAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



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- 3 THE SUB INSPECTOR OF POLICE
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9575 of 2024
Date :01/07/2024

PKP/VR/SAR /05.07.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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