



CRL OP(MD). No.9720 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/07/2024

PRESENT

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

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1. Venkatesh B,

2. Vetrivel,

... Petitioners/ Accused Rank Not Known

Vs

The Sub Inspector of Police,
Pazhavor Police Station,
Tirunelveli District
(In Crime No.138 of 2024).

... Respondent/Complainant

For Petitioner : Mr.Krishna Kumar S,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 138 of 2024 on the file of the Respondent Police



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ORDER: The Court made the following order :-

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The petitioners/Rank Not Known, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 379 IPC (Wire Theft), in Crime No.138 of 2024, seek anticipatory bail.

The case of the prosecution is that the defacto complainant is working as Supervisor in Maathaa Security Service, Leppaikudi. On 27.05.2024, at about 11.30 p.m, he found that 12 Copper Cables at about 15 meters in length were found missing. The value of the stolen Copper Cables is Rs.60,000/-. 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 would submit that totally 5 accused are involved in this case. The petitioners are arrayed as A3 and A5. The petitioners along with other accused stolen the Copper Cable worth about Rs.60,000/-. The first petitioner is having 6 previous



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cases. However, he fairly conceded that co-accused (A1) was already released on bail.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused was already released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each to the Kendra for Integrated Rural and Urban Peoples Action (Address : Plot No.132, 133 Golden City, Mangalakudi Village, Kadachanendal, Madurai. Mobile No.9787179152, 8940536287, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate Court, Valliyoor.

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, Valliyoor, 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



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to the satisfaction of the learned Magistrate concerned and on further conditions
that:

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(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 learned District Munsif cum Judicial Magistrate, Radhapuram, 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 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 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 abscond, a fresh FIR can be registered under Section

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229-A IPC.

sd/-
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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
VALLIYOOR.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
PAZHAVOOR POLICE STATION, TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, RADHAPURAM
- 2 THE OFFICER INCHARGE,
KENDRA FOR INTEGRATED RURAL
AND URBAN PEOPLES ACTION
PLOT NO.132, 133 GOLDEN CITY,
MANGALAKUDI VILLAGE, KADACHANENDAL,
MADURAI.



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ORDER
IN
CRL OP(MD) No.9720 of 2024
Date :03/07/2024

SS/VR/SAR- /12/07/2024/6P/7C

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