



CRL OP(MD). No.10037 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2024

PRESENT

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

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1. Anburaj,

2. Santhosh,

3. Selvam,

... Petitioners/ Accused(Rank Not known)

Vs

The Inspector of Police,
Omachikkulam Police Station
Madurai District.
Cr No.82/2023..

... Respondent/Complainant

For Petitioners : Mr.M.Sankar,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 of B.N.S.S

PRAYER :- For Anticipatory Bail in Crime No.82/2023 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners/ accused, who apprehend arrest at the hands of the respondent

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police for the offences punishable under Section 379 IPC in Crime No.82 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused have stolen the cattles of the defacto complainant. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that totally 6 accused and the third petitioner is not an accused in this case. He would further submit that investigation of the case is pending and the first petitioner is having three previous cases and the second petitioner is not having any previous case and hence, he strongly opposed to grant anticipatory bail to the petitioners. He would also submit that stolen property was recovered and co-accused/ A1 and A4 in this case were arrested and released on bail.

5. The learned counsel for the petitioners submits that insofar as the third



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petitioner is concerned, he is not pressing this petition and he has also made an endorsement to that effect.

6. Since the third petitioner is not an accused in this case, this Petition is dismissed as not pressed.

7. Insofar as the petitioners 1 and 2 are concerned, taking into consideration the facts and circumstances of the case, the nature of allegations made against the petitioners 1 and 2 and the fact that co-accused were already released bail, this Court is inclined to grant anticipatory bail to the petitioners 1 and 2 with certain conditions.

8. Accordingly, this Petition is partly allowed and the petitioners 1 and 2 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 Judicial Magistrate No.V, Madurai District, on condition that the petitioners 1 and 2 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:



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a)the petitioners 1 and 2 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 1 and 2 shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation;

(c)the petitioners 1 and 2 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 1 and 2 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 1 and 2 in accordance with law as if the conditions have been imposed and the petitioners 1 and 2 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 229-A IPC.

sd/-
08/07/2024

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/07/2024

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

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TO

1. THE JUDICIAL MAGISTRATE NO.V, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3. THE INSPECTOR OF POLICE,
OMACHIKKULAM POLICE STATION
MADURAI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.10037 of 2024
Date :08/07/2024

RK/GS (19/07/2024) 5P / 5C

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