



CRL OP(MD). No.11191 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2024

PRESENT

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

CRL OP(MD). No.11191 of 2024

Muthukumar,

... Petitioner/ Accused Rank not known

Vs

The Sub Inspector of Police,
Srivaikundam Police Station,
Srivaikundram,
Thoothukudi District.
(Crime No .154/2024)

... Respondent/ Complainant

For Petitioner : N.Pragalathan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 154 of 2024 on the file of the Respondent police.



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ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC, in Cr.No.157 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein and other accused have stolen 10 goats of the defacto complainant and 6 goats have been recovered. Hence, the complaint.

3. The learned counsel for the petitioner would submit based on confession of co-accused only the petitioner herein is arrayed as accused. He would further submit tha the petitioner is innocent and his name has been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) would submit that 6 goats are yet to be recovered and the the petitioner is not having previous case and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that there is no previous case against the petitioner, 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 Judicial Magistrate No.I, Srivaikundam, Thoothukudi District, 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 is directed to pay a sum of Rs.5,000/- (Rupees Five Thousand only) 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 his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(b) 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;

(c)the petitioner shall report before the respondent police daily at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;

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



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(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

sd/-
23/07/2024

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN
DISTRICT.



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3 THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION,
SRIVAIKUNDRAM,
THOOTHUKUDI DISTRICT.

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

COPY TO
THE OFFICER IN CHARGE,
KENDRA FOR INTEGRATED RURAL AND
URBAN PEOPLES ACTION,
PLOT NO.132, 133 GOLDEN CITY,
MANGALAKUDI VILLAGE,
KADACHANENDAL,
MADURAI.
MOBILE NO.9787179152, 8940536287

+1. CC to N.PRAGALATHAN Advocate SR.No.8380

ORDER
IN
CRL OP(MD) No.11191 of 2024
Date :23/07/2024

MGJ/VR/07.08.2024/5P/7C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.