



CRL OP(MD). No.11357 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2024

PRESENT

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

CRL OP(MD). No.11357 of 2024

Akber Padhusha @ Akbar Bathisha,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
Cr No.194/2024.

... Respondent/Complainant

For Petitioner : M/s.Sivakumar.S,
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.194/2024 on the file of the respondent Police.



CRL OP(MD). No.11357 of 2024

ORDER: The Court made the following order :-

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The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 457 & 380 of IPC, in Cr.No.194 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the President of Arulmighu Sudalai Mada Swamy Temple, Kaliyakkavilai. On 15.06.2024, when he opened the temple, he found that the electricity connection was disconnected and a sum of Rs.8,500/-, which was kept inside of the Bureau was found missing. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the investigation is in preliminary stage. The petitioner is having 5 previous cases and the stolen amount is yet to be recovered. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.



CRL OP(MD). No.11357 of 2024

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5.Considering the facts and circumstances of the case and also considering the nature of the offence, 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 this order, before the learned Judicial Magistrate No.I, Kuzhithurai, 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 a.m, for a period of three weeks and thereafter, as and when required for interrogation;

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



CRL OP(MD). No.11357 of 2024

WEB COPY

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

sd/-
24/07/2024

/ TRUE COPY /

/08/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE
NO.I KUZHITHURAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



CRL OP(MD). No.11357 of 2024

3 THE INSPECTOR OF POLICE
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.SIVAKUMAR.S Advocate SR.No.8459

ORDER
IN
CRL OP(MD) No.11357 of 2024
Date :24/07/2024

MGJ/JGB/06.08.2024/5P/6C

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