



CRL OP(MD). No.12785 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.12785 of 2024

Thivan Masthiyan Shajahan

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
Watrap Police Station,
Virudhunagar District,
(Crime No.158/2024.)

... Respondent/Complainant

For Petitioner : M/s.M.Solaisamy, 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.158/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 303(2) of BNS, in Crime No.158 of



2024, seeks anticipatory bail.

WEB COPY

2.The case of the prosecution is that the mother of the defacto complainant is the Village Panchayat President. In order to prevent the criminal activities, the defacto complainant has erected CCTV cameras in his village. On 07.07.2024, one of the HIK Vision camera worth about Rs.5,500/- 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. He would further submit that already the property was recovered and the co-accused (A1 & A2) were arrested and released on bail. Further, no previous case is pending against the petitioner. Hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor would submit that the investigation in this case is not yet completed. However, he fairly conceded that the property was recovered, the co-accused were already arrested and released on bail and no previous case is pending against the petitioner.

5. Considering the submission made by the petitioner that A1 & A2 have shared the incident of stealing of CCTV camera and also considering the facts that the CCTV camera was already recovered and A1 and A2 are arrested and released on bail, I am inclined to release the petitioner on anticipatory bail with certain



CRL OP(MD). No.12785 of 2024

conditions.

WEB COPY

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 (*) District Munsif cum Magistrate Court Watrap, 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 four weeks and thereafter, as and when required for interrogation; It is made clear that no relaxation of the condition for the said period will be entertained by this Court;

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

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



CRL OP(MD). No.12785 of 2024

(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/-
06/08/2024

(*) Amended as per order of this Hon'ble Court in CRL MP(MD)NO.9070/2024 in CRL OP(MD). 12785/2024 dated 02.09.2024 by DBCJ

TIME IS EXTENDED FOR A PERIOD OF ONE WEEK FROM THE DATE OF RECEIPT OF COPY OF THIS ORDER.

/ TRUE COPY /

/09/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To
TO BE SUBSTITUTED WITH THE ORDER ALREADY DATED 06/08/2024
ALREADY DESPATCHED.

1.The Judicial Magistrate No.I,
Srivilliputhur.



CRL OP(MD). No.12785 of 2024

2. The District Munsif cum Magistrate,
Court Watrap,

3. Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

4. The Inspector of Police,
Watrap Police Station,
Virudhunagar District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.SOLAISAMY, Advocate (SR-9651[I] dated 08/08/2024)

ORDER
IN

CRL OP(MD) No.12785 of 2024

Date :06/08/2024

ED/GS /SAR- (09/08/2024) 5P / 6C

PSP/GS /SAR- (10/09/2024) 5P / 7C

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