



CRL OP(MD). No.17586 of 2024

WEB COPY

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

Date : 19/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.17586 of 2024

Kannan

... Petitioner/Sole Accused

Vs

The State of Tamil Needy rep by,
The Inspector of Police,
D-3, Samayapuram Police Station,
Tiruchirappalli District.
(In Crime No.217 of 2024)

... Respondent/Complainant

For Petitioner : Mr.D.Veerakumar, Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.217 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(2) of the Bharatiya



CRL OP(MD). No.17586 of 2024

Nyaya Sanhita (BNS), 2023, in Cr.No.217 of 2024, seeks anticipatory bail.

WEB COPY

2.The case of the prosecution is that the defacto complainant and the petitioner are friends. After worshipping at Samayapuram Temple, they have slept off together. When the defacto complainant woke up in the next morning, found his wallet, a mobile phone and 2 sovereigns of gold chain are missing. Thereafter, the petitioner handed over only the mobile phone and the wallet. Hence, the complaint.

3.Heard both sides.

4.Considering the nature of the allegations in this case that the petitioner and the defacto complainant are said to have consumed alcohol together and slept off in the previous night and when they woke up in the next morning, the defacto complainant found his wallet, a mobile phone and 2 sovereigns of gold chain, which are said to be missing and that the petitioner thereafter handed over only the mobile phone and wallet, and also considering the argument of the learned Counsel for the petitioner that without prejudice to his contentions, the petitioner will deposit a sum of Rs.40,000/- to the credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.Accordingly, as per the undertaking given by the learned counsel for the petitioner, the petitioner shall pay a sum of Rs.40,000/- (Rupees Forty Thousand Only) to the credit of Crime No.217 of 2024, without prejudice to his rights and



CRL OP(MD). No.17586 of 2024

WEB COPY

contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.III, Tiruchirappalli.

6.On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tiruchirappalli, 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 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 am 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;

(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



CRL OP(MD). No.17586 of 2024

WEB COPY

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/-
19/10/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

- 1.The Judicial Magistrate No.III,
Tiruchirappalli.
- 2.Do through the Chief Judicial Magistrate,
Tiruchirappalli District.
- 3.The Inspector of Police,
D3 Samayapuram Police Station,
Tiruchirappalli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.17586 of 2024
Date :19/10/2024



CRL OP(MD). No.17586 of 2024

ED/ SSN /SAR- (12/11/2024) 5P / 5C

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