



CRL OP(MD). No.17392 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2024

PRESENT

The Hon`ble Mr.Justice K. RAJASEKAR

CRL OP(MD). No.17392 of 2024

Surya

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
Crime No.290 of 2024.

... Respondent/Complainant

For Petitioner : Mr.J.Joseph Zinoson, Advocate
For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.290 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 305 (a) of BNS, in Crime No. 290 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that on 28.09.2024, the petitioner along with other accused had stolen the mobile phone of the defacto complainant. Hence, the

complaint

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3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that A-1 has already been arrested and the property was also recovered. He further submitted that one previous case is pending against the petitioner.

5.Considering the nature of allegation in this case that the mobile phone was recovered from the accused and also considering the antecedent of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Petition is allowed and 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, Tiruchendur, on condition that the petitioners shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen 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:

(a) the petitioner and the sureties shall affix their photographs and left thumb



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impression in the surety bond and the Magistrate may obtain a copy of his 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 two weeks;

(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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/10/2024

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/10/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

jbr

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TO

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1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, TIRUCHENDUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.J.JOSEPH ZINOSON, Advocate (SR-12353[I] dated 09/10/2024)

ORDER

IN

CRL OP(MD) No.17392 of 2024

Date :09/10/2024

RS/JGB/SAR-(16.10.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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