



CRL OP(MD) No.22927 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22927 of 2023

1 SANTHOSH

2 RAMAMOORTHY

... PETITIONERS/ ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
THUVAKUDI POLICE STATION,
TRICHY DISTRICT.
CRIME NO.262/2023

... RESPONDENT/COMPLAINANT

For Petitioners : MR.J.MADHU,
Advocate

For Respondent : MR.SS.MADHAVAN,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.262/2023 ON THE FILE OF THE
RESPONDENT POLICE

ORDER : The Court Made the following order :-



CRL OP(MD) No.22927 of 2023

WEB COPY

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 454, 457 and 380 IPC in Crime No.262 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is running a Industry in the name and style of M/s.Prabakaran Boiler Vessels Private Limited and on 27.11.2023, she received an information from one Ganesan that some persons were removing the wires belonging to her Company by using Tractor and Tractor. Thereafter, she went to the spot and found that the welding machine and other things were missing. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that due to start a new business, the petitioners and their brothers approached one Ayesha Khan, who is the lease holder of the land which is adjacent to the land of the defacto complainant. On 20.11.2023, when the lease holder made arrangements to demarcate the boundaries, the defacto complainant made objection and the cleaning works were stopped. Due to previous enmity, a false case has been foisted against the petitioners. Therefore, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent



CRL OP(MD) No.22927 of 2023

Police submitted that the investigation is yet completed.

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5. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.VI, Trichy, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;



CRL OP(MD) No.22927 of 2023

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

(e)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

04/01/2024

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/01/2024

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

ssb

TO

1 THE JUDICIAL MAGISTRATE NO.VI, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, THUVAKUDI POLICE STATION,
TRICHY DISTRICT.



CRL OP(MD) No.22927 of 2023

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

+1 CC to M/s.J.MADHU, Advocate (SR-246[I] dated 05/01/2024)

ORDER IN
CRL OP(MD) No.22927 of 2023
Date :04/01/2024

RS/JGB/SAR-(11.01.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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