



CRL OP(MD) No.23112 of 2023

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23112 of 2023

MURUGA BOOPATHI ... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

**THE INSPECTOR OF POLICE
KOOMBUR POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO 130 OF 2023**

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. SARVAGAN PRABHU.S Advocate

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

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CRIME NO. 130 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.**

ORDER : The Court Made the following order :-

**The petitioner/ Accused Rank Not Known, who apprehends arrest at the hands
of the respondent police for the alleged offence under Section 379 of IPC in Crime**

No.130 of 2023, seeks anticipatory bail.

<https://www.mhc.tn.gov.in/judis>



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2.The case of the prosecution is that on 29.09.2023, the petitioner along with other accused stolen the Finolex Cable Wires worth about Rs.15,000/- from the agricultural land belongs to the defacto Complainant and also the nearby lands. Thereby, the defacto complainant lodged a complaint before the Law Enforcing Authority.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that based on the confession given by the co-accused, the petitioner was implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the petitioner along with other accused stolen the Finolex Cable Wires worth about Rs.15,000/- from the agricultural land belongs to the defacto Complainant. Apart from that, 1 previous case is pending against the petitioner. However, he fairly conceded that the stolen properties were recovered from the accused.



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5.Considering the facts and circumstances of the case and also considering the fact that the stolen properties were recovered from the accused, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Vedasanthur, Dindigul District, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner 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 his 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 his identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m.



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until further orders;

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

(e) the petitioner 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 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;

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

sd/-
05/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS
O

1 THE JUDICIAL MAGISTRATE,
VEDASANTHUR, DINDIGUL DISTRICT.

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- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOOMBUR POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-229[I] dated 05/01/2024)

ORDER
IN

CRL OP(MD) No.23112 of 2023
Date :05/01/2024

PKP/DD/SAR- /09.01.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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