



Crl.O.P.(MD) No.23093 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD) No.23093 of 2024

Mani @ Manikandan

... Petitioner / A3

-VS-

State, rep.by
The Inspector of Police
Pattukkottai Taluk Police Station
Thanjavur District
(Crime No.5 of 2023)

... Respondent / Complainant

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS / 438 of Cr.P.C

PRAYER: Petition filed under Section 482 of BNSS / 438 of Cr.P.C., to release the petitioner on bail in the event of his arrest in C.C.No.79 of 2024, on the file of the learned Judicial Magistrate, Pattukottai, Thanjavur District.

For Petitioner : Mr.N.Balasubramanian, Advocate

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)



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ORDER

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The petitioner / third accused, who apprehends arrest at the hands of the respondent - Police for the offences punishable under Section 379 I.P.C., in Crime No.5 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 05.01.2023, at about 10.00 hours, while the de facto complainant was present in his house, he heard some noise outside of his house, thereby, when he came out of his house, he saw three unidentified persons stolen an aluminium bucket from his house and tried to fled away in TVS XL 100. When the de facto complainant tried to nab them, he nabbed the first accused alone and two other accused escaped from the scene of occurrence. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he was falsely implicated in this case. He has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) would submit that totally three accused involved in this case and since the petitioner absconded, a non-bailable warrant was issued and the case in C.C.No.79 of 2024, on the file of the learned



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Judicial Magistrate, Pattukkottai, as against the petitioner (A3) was split up and the case as against the other accused was ended in conviction and therefore, he opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and the nature of offences charged as against the petitioner and also taking into consideration the fact that investigation was already completed and due to the non-appearance of the petitioner (A3), NBW was issued against him and the case was split up against him and the mother case as against the other accused was already disposed of and now the case as against the petitioner (A3) is pending for further proceedings, I am inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on anticipatory bail on condition to 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 Judicial Magistrate, Pattukkottai, Thanjavur District, and on further conditions that:

[b] the petitioner shall report before the learned Trial Judge on all working days at 10.00 A.M. until further orders.



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[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

sd/-
27/12/2024

/ TRUE COPY /

/01/2025

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

krk

TO:

1.THE JUDICIAL MAGISTRATE, PATTUKOTTAI, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBakonam.



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3.THE INSPECTOR OF POLICE
PATTUKKOTTAI TALUK POLICE STATION
THANJAVUR DISTRICT

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

ORDER
IN
CRL OP(MD) No.23093 of 2024
Date :27/12/2024

RK/SKN (31/12/2024) 5P / 5C

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