



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

Tuesday, the Sixteenth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5689 of 2019

MARIAPPAN

... PETITIONER / ACCUSED NO.4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VELAYUTHAPATTINAM POLICE STATION,
VELAYUTHAPATTINAM,
SIVAGANGAI DISTRICT.
(IN CRIME NO.192/2013)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SATHYA CHITHAMBARAM Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 392 of IPC in Cr.No.192 of 2013 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that on 25.04.2013, when the defacto complainant along with his relatives went to the temple festival through two wheeler, the petitioner and other accused persons are said to have waylaid and forcibly snatched the gold ornaments. Therefore, the defacto complainant gave a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that initially, a case was registered against the petitioner by the Devakottai Taluk Police Station. Subsequently, it was transferred to Velayauthapattinam Police Station. The respondent police filed a charge sheet before the concerned Court in C.C.No.98 of 2016 and the same was taken on file. Accordingly, he prays for anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Additional Public Prosecutor appearing for the



respondent would submit that there is no previous case pending against the petitioner.

5. Considering the facts and circumstances of the case and considering the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner 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 learned Judicial Magistrate, Devakottai, 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) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the Judicial Magistrate, Devakottai, daily at 10.30 a.m., until further orders.

(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 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;

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

sd/-
16/04/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
DEVAKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3 THE INSPECTOR OF POLICE
VELAYUTHAPATTINAM POLICE STATION,
VELAYUTHAPATTINAM, SIVAGANGAI DISTRICT.

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

+1. CC to Mr.S.SATHYA CHITHAMBARAM Advocate SR.No.6927

PS/JC/SAR-2/24.04.2019/3P/6C

ORDER

IN

CRL OP (MD) No.5689 of 2019

Date :16/04/2019