



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9955 of 2019

V.Sundar

... Petitioner/Accused

Rank not known

Vs

State rep.by,
The Inspector of Police,
Somarasampattai Police Station,
Trichyoi District.
Crime No. 115 of 2019.

... Respondent/Complainant

For Petitioner : M/s B.Jameel Arasu,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 115 of 2019 on the file of the Respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 397 of IPC, in Crime No.115 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that in the FIR, it is stated that only A1 alone has way laid the defacto complainant and robbed a sum of Rs.1,300/- and he himself has stated that behind him three persons are standing. He further submitted that A1 was arrested and only based on the confession given by him, the petitioner has been falsely implicated in the above case. He further submitted that since the petitioner happens to be a friend of A1, the petitioner has been falsely



implicated in the above case. He further submitted that the petitioner is working in HR and CE department and he is in no way connected with aforesaid case and hence he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police has submitted that the petitioner associated with the accused No.1 and they have committed robbery of Rs.1,300/- from the defacto complainant. He further submitted that the amount was recovered from A1. However, he fairly conceded that no previous case is pending against the petitioner.

5. Taking into consideration the fact that in the FIR, the name of the petitioner has not been mentioned and only based on the confession given by A1, the petitioner herein has been implicated in the above case and also the fact that already the amount was recovered from A1 and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

6. 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 No.V, Trichy, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].



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

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.V,
TRICHY DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE
SOMARASAMPATTAI POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S B.JAMEEL ARASU Advocate SR.No.11851

ORDER
IN
CRL OP(MD) No.9955 of 2019
Date :16/07/2019

VSG
PK/JC/SAR-1/19.07.2019 : 3P/6C