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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.10322 of 2019

Raja @ Thoppu Raja

... Petitioner/Accused Rank Not Known

Vs

State Represented by
Inspector of Police,
Vadasery Police Station,
Nagercoil at Kanyakumari District.
(Crime No. 563 of 2017).

... Respondent/Complainant

For Petitioner : M/s.V.Sasi Kumar,
Advocate.

For Respondent : Mr.A.P.G.Ohmchairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 563 of 2017 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 379 of IPC in Crime No.563 of 2017, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in the above case. He further submitted that in the FIR, the name of the petitioner has not been mentioned. He further submitted that only based on the confession statement said to have been given by A1, the petitioner herein arrayed as accused. He further submitted that already A1 was arrested and remanded to judicial custody and therefore, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that only based on the confession statement given by A1, the petitioner herein has been arrayed as accused and hence he strongly opposed this petition.

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5. In the FIR, it is stated that one person has snatched a gold chain of the defacto complainant and he run away. Already one person namely Manikandan @ Katiyar Mani was arrested and remanded to judicial custody. It appears that only on the confession said to have been given by A1, this petitioner has been arrayed as accused. Except the aforesaid statement, no other material has been produced by the prosecution to implicate the petitioner herein.

6. Taking into consideration the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

7. 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.II, Nagercoil, 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.R. 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.

Sd/-
26/07/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
NAGERCOIL.
- 2 -do-thro-THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
VADASERY POLICE STATION,
NAGERCOIL AT KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.SASI KUMAR, Advocate (SR-12382[I] dated 26/07/2019)

ORDER
IN
CRL OP(MD) No.10322 of 2019
Date :26/07/2019

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