



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

Date : 25/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10327 of 2019

Abdul Baseeth

... Petitioner/Accused
Rank not known

Vs

State, represented by
The Inspector of Police,
Manavalakurichi Police Station,
Kanyakumari District.
Crime No.82 of 2019

... Respondent/Complainant

For Petitioner : M/s.K.Navaneetha Raja,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 82 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 392 of
IPC, in Crime No.82 of 2019, seeks anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioner has
submitted that as per the FIR, on 28.06.2019, when the defacto
complainant was riding a two wheeler, she was riding as pillion
rider, two persons followed them in a two wheeler and waylaid them
and pushed them down from the two wheeler and snatched a gold chain
weighing about 3 sovereigns. He further submitted that already three
persons were arrested and properties were recovered. He further
submitted that based on the confession of A1, the petitioner herein



has been arrayed as accused, and therefore, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the the petitioner herein along with other accused persons have snatched 3 sovereigns of gold chain of the defacto complainant.Hence, she opposed this petition.

5.In the FIR, it is stated that only two persons came in the Motor Cycle and committed robbery of 3 sovereigns of gold chain. It appears that already three persons were arrested and properties also recovered. The petitioner herein has been arrayed as accused based on the confession of A1. Apart from the aforesaid confession statement of A1, no other material produced by the prosecution to implicate the petitioner in the above crime. Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with 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, Eraniel, Kanyakumari 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 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 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii)Considering the submission made by the learned counsel for the petitioner that the petitioner is studying in the College, he is directed to report before the respondent police daily at 06.00 p.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 petitioners 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].



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

sd/-
25/07/2019

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/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE INSPECTOR OF POLICE,
MANAVALAKURICHI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10327 of 2019
Date :25/07/2019

dss
TK/VR/SAR.2/07.08.2019/3P/5C