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CRL OP(MD). No.10476 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10476 of 2019

Nagaraj ... Petitioner/Accused No.2

Vs

The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District.
Cr.No.199 of 2019. ... Respondent/Complainant

For Petitioner : M/s.S.Gokul Raj,
Advocate.

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

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

PRAYER :-

For anticipatory bail in cr.no.199 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner/accused no.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 392 of IPC seeks anticipatory bail

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case. He would further submit that the petitioner is a college going student. He would further submit that only based on the confession statement given by the co- accused this petitioner has

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been implicated. Therefore he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner herein snatched the cellphone of the defacto complainant worth Rs.8000/-. He would further submit that four previous cases are pending against the petitioner. However he fairly conceded that the stolen property has been recovered.

5. Taking into consideration the fact that based on the confession given by co-accused the petitioner herein is added as accused and also the fact though Government Advocate(Crl.side) in the previous hearing submitted that four previous cases are pending against the petitioner including two cases under section 379 of IPC, the respondent police has not produced the copy of the said First Information Reports and also the fact that property was recovered, this Court is inclined to grant bail to the petitioner by imposing conditions:

[6] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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, Viruthunagar 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:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police, daily at 5.30 p.m for a period of three weeks and thereafter, as and when required for the interrogation.

[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 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/08/2019

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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, VIRUTHUNAGAR
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLUPUTTUR.
 - 3 THE INSPECTOR OF POLICE,
VIRUDHUNAGAR EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.GOKUL RAJ Advocate SR.No.13088.

ORDER
IN
CRL OP(MD) No.10476 of 2019
Date :07/08/2019

AM/PN/SAR-1/14.08.2019/3P-6C