



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 15/06/2020

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PRESENT

The Hon`ble Mr.Justice **M.DHANDAPANI**

CRL OP(MD) . No.5626 of 2020

Stalin @ J.R.Stalin

... Petitioner/Accused NO.2

Vs

State represented by  
The Inspector of Police,  
Karungal Police Station,  
Kanyakumari District,  
(Crime No. 391 of 2019).

... Respondent/Complainant

For Petitioner : M/s. V.Malaiyendran,  
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 391 of 2019 on the file of  
the Respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the  
learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the  
respondent police for the offences punishable under sections 147,  
148, 364(A), 342, 294(b), 323, 392, 380 and 506(ii) of I.P.C., in  
Crime No.391 of 2019 on the file of the respondent police, seeks



anticipatory bail.

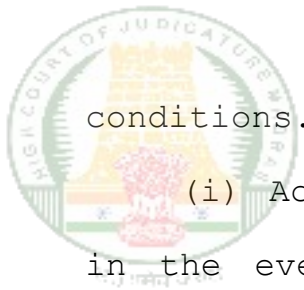
3.The case of the prosecution is that the de-facto complainant lodged a complaint on 12.10.2019 before the respondent police stating that he is owning JCB Vehicle, Mini Excavator by availing loan from HDFC Bank and the same are being rented out to the petitioner and other accused and they are suspecting the de-facto complainant that he had unearthed a treasure which is the reason for his sudden prosperity. The further case of the prosecution is that the petitioner and other accused said to have threatened the defacto complainant to share the treasure found him and on 07.10.2019 at about 12.20 he was taken in a car by the first accused. Further, the petitioner and the other accused robbed his 5 sovereigns of gold chain and 2.5 sovereigns of gold ring.

4.The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent. Further, the learned counsel, on instructions from the petitioner, would submit that without any prejudice his rights, the petitioner is ready to pay a sum of Rs.1,00,000/- (Rupees One Lakh Only), as non-refundable compensation, by way of Demand Draft, in favour of 'The Dean, Kanyakumari Medical College, Kanyakumari District', for the purpose of providing facilities to the Health workers.

5.The learned Government Advocate (criminal side) would submit that in this case, co-accused has already been granted bail.

6. Considering the facts and circumstances of the case, I am

<https://hcservicesportal.gov.in/hcservices/centraliserportals> anticipatory bail to the petitioner with certain



conditions.

(i) Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Eraniel, and on his executing 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 learned Magistrate concerned;

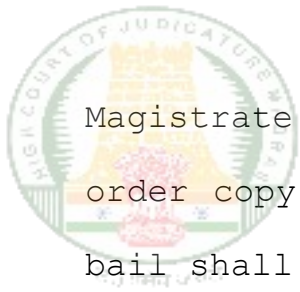
(ii) The petitioner is directed to pay a sum of Rs.1,00,000/- (Rupees One Lakh Only), by way of Demand Draft, in favour of '**The Dean, Kanyakumari Medical College, Kanyakumari District**', on or before 29.06.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice their rights, since the sanitary workers put their lives at risk every day and play a critical role in preventing the spread of COVID-19 Pandemic;

(iii) The petitioner shall appear before the respondent police two weeks daily at 05.00 p.m for interrogation.

(iv) 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]**; and;

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

(vi). The petitioner shall appear before the concerned



Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-  
15/06/2020

/ TRUE COPY /

/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE  
ERANIAL,  
KANNIYAKUMARI DISTRICT.
- 2 -DO- THRO  
THE CHEIF JUDICIAL MAGISTRATE,  
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE  
KARUNGAL POLICE STATION,  
KANYAKUMARI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

Copy to:

THE DEAN,  
KANYAKUMARI MEDICAL COLLEGE,  
KANYAKUMARI DISTRICT.

ORDER  
IN  
CRL OP(MD) No.5626 of 2020  
Date :15/06/2020

PD/VR/SAR 2/16.06.2020/4P/6C