



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

Date : 16/06/2020

PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP(MD) .No.6194 of 2020

Vadivazhagan

... Petitioner/Accused No.6

Vs

State represented by its
The Inspector of Police,
Thogur Police Station,
Thanjavur District.
(Crime No.41 of 2019)

... Respondent/Complainant

For Petitioner : M/s.S.Deenadhayalan
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime.No.41 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(Criminal Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 394 @ 395 r/w 120-B IPC, in Crime No.41 of 2019 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner/A6 and five others hired TATA ACE vehicle and in the course travel, the



petitioner and other accused attacked the defacto complainant with knife and taken away the vehicle. Hence, the complaint.

4. The learned counsel appearing for the petitioner submitted that the allegation in the complaint are all false. He would further submit that the petitioner did not commit any offence as alleged by the prosecution.

5. The learned Government Advocate(Criminal Side) submitted that the petitioner/A6 and five others hired TATA ACE vehicle and in the course travel, the petitioner and other accused attacked the defacto complainant with knife and taken away the vehicle. He would further submit that A1 to A3 were arrested and released on bail by this Court on 04.09.2019.

6. Considering the facts and circumstances of the case and also considering the fact that the co-accused had already been granted bail by this Court, I am inclined to grant 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, Thiruvaiyaru, Thanjavur District 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 shall appear before the respondent police for a period of two weeks daily at 05.00 p.m and thereafter, as and when required for interrogation.

(iii) 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 themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

7. 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.



8. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
16/06/2020

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

TO

1. THE JUDICIAL MAGISTRATE,
THIRUVAIYARU,
THANJAVUR DISTRICT.
2. DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THOGUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6194 of 2020
Date :16/06/2020

SKN/MPK
SRS/ JC/ SAR-II/ 18.06.2020/ 3P/5C