



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2020

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PRESENT

The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD) . No.6505 of 2020

Vadivazhagan,

... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District
Crime No.402/2018.

... Respondent/Complainant

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

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

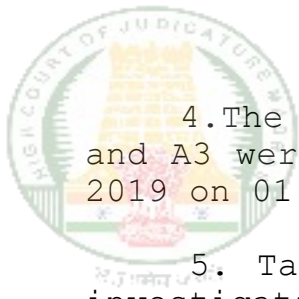
For Anticipatory Bail in Crime no.402 of 2018 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 341 and 394 of I.P.C., in Crime No.402 of 2018 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 08.12.2018 at about 10.00 p.m., the defacto complainant and his assistant supplying TOBACO products to his customers by TATA ACE, two two wheelers waylaid him, assaulted and took a sum of Rs.1,75,000/-. Hence, a complaint.



4.The learned Additional Public Prosecutor submitted that A1 and A3 were granted bail by the Sessions Court in Cr.M.P.No.2819 of 2019 on 01.11.2019.

5. Taking into consideration that the substantial part of the investigation is over and the co-accused is released on bail and the amount has been recovered, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

(i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court, 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 sureties shall affix his photograph and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(iii)The petitioner shall report before the respondent Police daily at 10.00 a.m., until further orders, for interrogation.

(iv)The petitioner shall not tamper with evidence or witness either during investigation or trial;

(v)The petitioner shall not abscond either during investigation or trial;

(vi)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;

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

sd/-
23/06/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

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

ORDER
IN
CRL OP(MD) No.6505 of 2020
Date :23/06/2020

IAS
AE/PN/SAR-II (25.06.2020) 3P 5C