



WEB COPY

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

Date : 05/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). Nos. 10773 & 10775 of 2020

Murugan

... Petitioner/Sole Accused
in Crl.OP(MD)Nos.10773 & 10775 of 2020

Vs

State Rep. By
The Inspector of Police,
Uthumalai Police Station,
Tirunelveli District.
Crime No.241 of 2019.

... Respondent/Complainant
in Crl.OP(MD) No.10773 of 2020

State Rep. By
The Inspector of Police,
Chinnakovilankulam Police Station,
Tirunelveli District.
Crime No.44 of 2019.

... Respondent/Complainant
in Crl.OP(MD) No.10775 of 2020

In both Crl.OPs.

For Petitioner : M/s.S.R.A.Ramachandran,
Advocate.

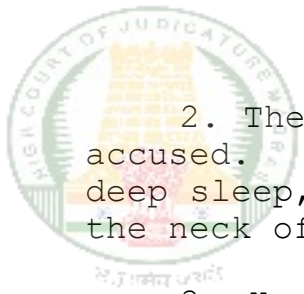
For Respondent : Ms.M.Anandha Devi,
Government Advocate (Crl.Side)

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

COMMON PRAYER :- For an Anticipatory Bail in Crime Nos.241 of 2019
& 44 of 2019 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioner is a sole accused apprehending arrest at the hands
of the respondent police for the offences punishable under sections
380 & 457 of I.P.C., in Crime Nos.241 & 44 of 2019 on the file of
the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner is a sole accused. The allegation is that, while the defacto complainant in deep sleep, the petitioner said to have snatched the gold chain from the neck of her. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has never involved in the occurrence and hence, the petitioner has approached this Court for seeking anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that the petitioner was arrested in Crime No.323 of 2019 on 21.12.2019 and subsequently released on 04.09.2020 on the file of the Inspector of Police, Thenkasi Police Station and thereafter, his arrest was shown in 168 cases pending from various police station in Tirunelveli District. He further submitted that insofar as the present cases are concerned in Crime Nos.214 & 44 of 2019 on the file of the respective respondent police his arrest was not shown and in both the cases which was left out by the respective respondent police.

6. Considering the fact and circumstances of the case and considering the rival submissions, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

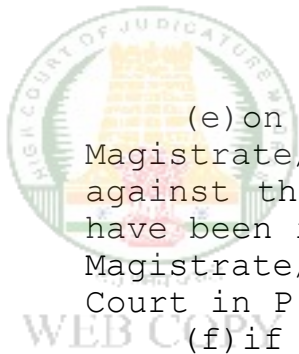
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Alangulam, Tirunelveli District in Crime No.241 of 2019 and the learned Judicial Magistrate, Sankarankovil, Tirunelveli District in Crime No.44 of 2019, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in each crime numbers with two blood related sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the Inspector of Police, Uthumalai Police Station, Tirunelveli District, daily at 10.30 a.m., without fail until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation



(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]; and;

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

sd/-

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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.

TO

- 1 THE JUDICIAL MAGISTRATE,
ALANGULAM, TIRUNELVELI DISTRICT.
- 2 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL, TIRUNELVELI DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 4 THE INSPECTOR OF POLICE,
UTHUMALAI POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE INSPECTOR OF POLICE,
CHINNAKOVILANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD). Nos. 10773 &
10775 of 2020

Date : 05/10/2020

ksa

JM/PN/SAR II/08.10.2020/3P/7C

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