



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

Date : 03/11/2020

PRESENT

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

CRL OP(MD) . No.12248 of 2020

Sakthivel (Yelam Arivu)

... Petitioner/Accused No.3

Vs

State rep.by its.,
The Sub Inspector of Police,
Musiri Police Station,
Trichy District.
Crime No. 1578 of 2020.

... Respondent/Complainant

For Petitioner : M/s.R.Thangapandian,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.1578 of 2020 on the file of
the respondent police

ORDER :The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the
hands of the respondent police for the offences punishable under
sections 395 & 397 of IPC, in Crime No.1578 of 2019 on the file of
the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with
other accused persons made threat against the defacto complainant by
showing a knife and snatched a sum of Rs.4,500/- from him. Hence,
the complaint.

3.Heard the learned counsel appearing for the petitioner and
the learned Government Advocate (Crl.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. Hence, he seeks anticipatory bail to the petitioner.

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5.The learned Government Advocate (Crl. Side), on instructions, submitted that there are totally 5 accused. The petitioner along with other accused persons made threat against the defacto complainant by showing a knife and snatched a sum of Rs.4,500/- from him. He further submitted that the petitioner is having one previous case.

6.Considering the facts and circumstances of the case and considering the fact that there is no specific allegations against the petitioner, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Musiri, Trichy District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two blood relative 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)the petitioner and the sureties shall affix his photographs 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;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m without fail for a period of four weeks and thereafter, as and when required for 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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



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

sd/-
03/11/2020

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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, MUSIRI,
TRICHY DISTRICT.

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3.THE SUB INSPECTOR OF POLICE,
MUSIRI POLICE STATION,
TRICHY DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R.THANGAPANDIAN Advocate SR.No.7259

ORDER
IN
CRL OP(MD) No.12248 of 2020
Date :03/11/2020

DSS
PK/AKM/SAR-II/05.11.2020 : 3P/6C