



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

Date : 04/11/2020

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PRESENT

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

CRL OP(MD). No.12344 of 2020

Veera @ Veeramurugan

... Petitioner/Accused No.4

Vs

The State rep. by
The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
(Crime No.1188 of 2020).

... Respondent/Complainant

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

For Respondent : M/s.M.Ananthadevi,
Government Advocate (Criminal Side)

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

PRAYER :-

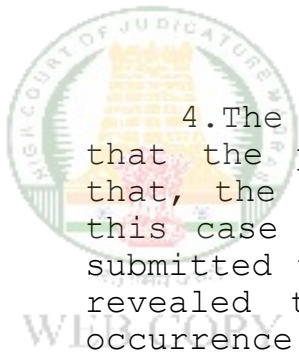
For Anticipatory Bail in Crime No.1188 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A-4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 457, 380, 411, 414, 201 and 34 of IPC and Section 8 of JJ Act, in Crime No.454 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, on 01.07.2020, the petitioner along with other accused persons said to have broken the house of the defacto complainant and committed theft of jewels and cash for a value of Rs.27,000/-. 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. He further submitted that, the petitioner was arraigned as A-4 and he has been roped in this case only based on a confession statement of A-1. He further submitted that, from the confession statement of A-1, it is clearly revealed that the petitioner was not present in the scene of occurrence and the petitioner has been falsely implicated in this case. He further submitted that A-1 to A-3 were arrested and remanded into judicial custody and made recovery from them. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that the petitioner was arraigned as A-4 and already, he was involved in similar type of offence.

6. On perusal of confession statement of A-1, he has not stated that the petitioner did not present in the place of occurrence. Now, A-1 to A-3 were arrested and remanded into judicial custody and also made recovery from them.

7. Considering the fact and circumstances of the case and considering the fact that A-1 to A-3 were arrested and remanded into judicial custody and recovery was also made from them, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

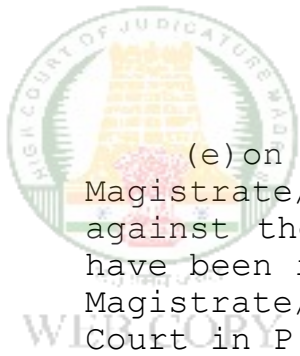
8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Madurai District, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 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 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/-
04/11/2020

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/ /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.

TO

1. THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.
2. -DO- THOROUGH: THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
KODAL PUDUR POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12344 of 2020
Date :04/11/2020

KSA
SRS/AKM/SAR-II/11.11.2020/3P/5C