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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/12/2020

PRESENT

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

CRL OP(MD) . No.14268 of 2020

Suresh

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Chinnakovilankulam Police Station,
Tirunelveli District.
(Crime No.44/2019).

... Respondent/Complainant

For Petitioner : Mr.S.R.A.Ramachandran,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Crime No.44 of 2019 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 380 & 457 of I.P.C., in Crime No.44 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution 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.

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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 case is concerned in Crime No. 44 of 2019 on the file of the respective respondent police his arrest was not shown and in this 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, Sankarankovil, Tirunelveli 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 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 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/-
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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,
SANKARANKOVIL, TIRUNELVELI DISTRICT.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
CHINNAKOVILANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14268 of 2020
Date :10/12/2020

vsg
AE/SMA/SAR-III (22.12.2020) 3P / 5C