



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/01/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.476 of 2021

1. P.Dinesh Kumar
2. N.Manokaran

... Petitioners/Unnamed Accused

Vs

The State rep. by
The Inspector of Police,
Mandalamanikam Police Station,
Ramanathapuram District.
Crime No. 194 of 2020.

... Respondent/Complainant

For Petitioners: Mr.S.Sivaprakash,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.194 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 392 IPC in Crime No.194 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that 30.12.2020, when the defacto complainant and her husband travelling in two wheeler, the accused persons way laid them and snatched 2 gram stud and oppo mobile phone from the defacto complainant by showing knife. Hence, the present complainant.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have



been falsely implicated in this case. He further submitted that the petitioners are college going students and there is no bad antecedents. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that the petitioners herein helped the other accused for snatching. The first petitioner was riding the bike and the second petitioner was keeping watch over the area. Hence, he opposed to grant anticipatory bail to the petitioners.

5.It is seen that there is no bad antecedents as against the petitioners and only A1 and A2 have bad antecedents. The allegation against the petitioners is that the first petitioner was riding the bike and the second petitioner was keeping watch over the area.

6.Considering the above facts and circumstances of the case and considering the fact that there is no bad antecedents as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kamuthi, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)each with two 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 petitioners 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 petitioners shall appear before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

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

(d)the petitioners 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



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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/01/2021

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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,
KAMUTHI, RAMANATHAPURAM DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
MANDALAMANIKAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.476 of 2021

Date :18/01/2021

GNS

SRS/KV/SAR-I/21.01.2021/3P/5C