



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/02/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD). No.884 of 2021

Aravindhan

... Petitioner/Accused

Vs

The State Rep. by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
(Crime No.14 of 2021)

... Respondent/Complainant

For Petitioner : Mr.Jayaprakash.R, Advocate.

For Respondent : Mr.M.V.Chandra Sekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.14 of 2021 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 section 392 of IPC, in Crime No.14 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner and other accused persons said to have way laid the defacto complainant and snatched two sovereigns of gold chain. Hence, the present 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 not committed any offence as alleged by the prosecution. He further submitted that the co-accused have already been arrested and based on the



confession of co-accused, the petitioner has been falsely implicated in this case. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side), appearing for the respondent Police submitted that the petitioner earlier worked as electrician in Pattukkottai Municipality and thereafter, he worked at Madukkur Town Panchayat. The petitioner's brother is working at Madukkur Town Panchayat and some of the persons caused disturbance to the petitioner's brother, for which, the petitioner and other accused said to have threatened the employees in the Panchayat. Thereafter, the petitioner and others said to have way laid the defacto complainant and snatched two sovereigns of gold chain from him. Hence, the crime has been registered.

6.On perusal of the materials available on records, it is seen that the petitioner earlier worked as electrician in Pattukkottai Municipality and thereafter, he worked at Madukkur Town Panchayat. The petitioner's brother is working at Madukkur Town Panchayat and some of the persons caused disturbance to the petitioner's brother, for which, the petitioner and other accused said to have threatened the employees in the Panchayat. In this case, only threat has been made by the petitioner and he has been implicated based on the confession of co-accused.

7.Considering the above facts and circumstances of the case and also considering the fact that based on the confession of co-accused, the petitioner has been implicated in this case and only threat has been made by the petitioner and there is no other serious allegation against the petitioner, 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 Judicial Magistrate Court, Pattukkottai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 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 for a period of two 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/-

01/02/2021

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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, PATTUKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+ 1 CC TO Mr.R.JEYAPRAKASH, ADVOCATE IN SR No. 656

ORDER IN

CRL OP(MD) No.884 of 2021

Date : 01/02/2021

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VSG

<https://hcservices.ecourts.gov.in/hcservices/>

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