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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2021

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4699 of 2021

Arumugam

... Petitioner/Accused No.6

Vs

State Rep. by
The Sub Inspector of Police,
Anna Nagar Police Station,
Madurai City.

Crime No. 2150 of 2019

... Respondent/Complainant

For Petitioner : Mr.Marann M,
Advocate.

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

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

PRAYER :-

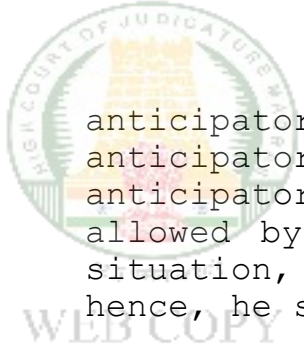
For Anticipatory Bail in Crime No.2150 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A6, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 399 of IPC, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused planned to commit dacoity with deadly weapons. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against him. He would also submit that co-accused in this case were granted



anticipatory bail by the court below and this is the second anticipatory bail application before this Court. Earlier anticipatory bail application in Crl.O.P.(MD)No. 1095 of 2021 was allowed by this Court on 27.01.2021 and due to COVID-19 pandemic situation, the petitioner was not able to arrange sureties and hence, he seeks anticipatory bail.

4. The learned Government Advocate(Crl.Side) would submit that there are totally six accused in this case and the petitioner herein is arrayed as A6. He would also submit that co-accused in this case were granted anticipatory bail by the court below and this petition is the second anticipatory bail application and no previous case is pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact no previous case is pending against the petitioner and due to COVID-19 pandemic situation, the petitioner was not able to comply the condition, as per the order of this court and co-accused were granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai 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 am., 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
26/03/2021

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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 No.VI, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.4699 of 2021
Date :26/03/2021

LS
TE/JC : 31/03/2021 : 3P/5C