



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8162 of 2021

Ramkumar

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Mallaginar Police Station,
Virudhunagar District.
Crime No. 258 of 2020..

... Respondent/Complainant

For Petitioner : Mr.C.SENTHIL MURUGAN,
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.258 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341, 294(b), 392 IPC altered into Sections 341, 392, 354 IPC r/w Section 4 TNPHW Act and Section 67(A) IT Act in Crime No.258 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working in SBI in Chennai selling credit card. He visited his native place during corona period. His sister was married to one Umanath at Krishnapuram. On 28.05.2020 he went to his sister's place in two wheeler bearing registration No.TN 67 BZ 8791. When he was going near Panthanenthal bus stop Sonaiyar Kovil, two persons way laid him with knife. One person forced him to remove his chain. When he tried to escape from there, the persons caught hold his shirt and other person snatched 1 ½ of sovereigns of chain from him. They



followed them and came to be known that their names as Bhoomi @ Bhoominathan, Jeyakumar. Both were apprehended and handed over the Police and this case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is shown as A3. The petitioner is working in Indian Army and his name is not found in FIR and he has been falsely implicated due to previous enmity with the defacto complainant. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed. He further submitted that in the course of investigation, this petitioner's involvement also came to light from the Section 161(3) Cr.P.C., statement of the defacto complainant. Therefore, he seeks dismissal of this petition.

5.It is seen from the alteration report that allegations against the petitioner is that he was also participated in the gang which committed robbery against the defacto complainant. Not only that the petitioner said to have videographed the entire incident and threatened the defacto complainant not to disclose this incident and if he discloses the same, he would be eliminated.

6.However, perusal of FIR shows that nothing mentioned about this petitioner and involvement of third person in the incident. As of now, the submission of the learned counsel for the petitioner that the petitioner was falsely implicated, due to previous enmity with the defacto complainant, appears has force in it. Taking note of all these factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on 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.I, Virudhunagar, 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 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 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.

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[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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/07/2021

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/ /2021
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.I
VIRUDHUNAGAR.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE INSPECTOR OF POLICE,
MALLAGINAR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI DISTRICT.

ORDER IN
CRL OP(MD) No.8162 of 2021
Date :29/07/2021