



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9896 of 2021

1.Thavasi
2.Durairaj
3.Lingaraj

... Petitioners/Accused No.1 to 3

Vs

The State Represented by
The Inspector of Police,
Nazerath Police Station, Nazerath,
Thootukudi District.
(Crime No.89 of 2021).

... Respondent/Complainant

For Petitioner : Mr.V.Sorimuthu,
Advocate.

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

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

PRAYER :-

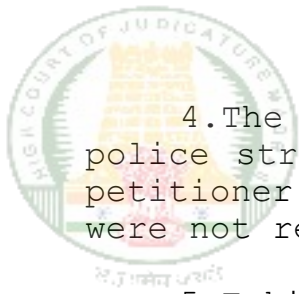
for Anticipatory Bail in Crime No.89 of 2021 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 294
(b), 323, 341 and 379(NP) of IPC, in Crime No.89 of 2021, seek
anticipatory bail.

2.The case of the prosecution is that the petitioners waylaid
the defacto complainant and assaulted him and also snatched his
money and cell phone. Hence, the complaint.

3.The learned counsel appearing for the petitioners would
submit that the petitioners are innocents and they have been falsely
implicated in this case and hence, he seeks anticipatory bail.



4.The learned Government Advocate(Crl.Side) for the respondent police strongly opposed this petition on the ground that the first petitioner is having one previous case and the stolen properties were not recovered.

5.Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam, 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 report before the respondent police daily at 10.30 am., until further orders;

(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;

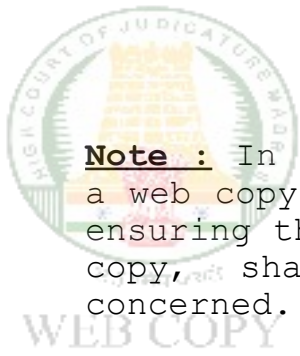
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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.

sd/-
23/07/2021

/ TRUE COPY /

/ /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,
SATHANKULAM, THOOTHUKUDI DISTRICT.

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3.THE INSPECTOR OF POLICE,
NAZERATH POLICE STATION, NAZERATH,
THOOTHUKUDI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.V.SORIMUTHU, Advocate SR.No.4801 dated 23/07/2021.

ORDER

IN

CRL OP(MD) No.9896 of 2021

Date :23/07/2021

SS/VR/SAR-IV/27.07.2021 : 3P/6C