



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD)No.10581 of 2021

Santhosh

... Petitioner/Accused No.5

Vs

State Rep by
The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
In Crime No.372 of 2021

... Respondent/Complainant

For Petitioner : Mr.G.R.Sathish,Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate(Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime no.372 of 2021 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 Section 399 of IPC in Crime No.372 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 09.07.2021, at about 17.30 hours, the petitioner along with other accused persons prepared for committing dacoity by sitting together in a coconut grove. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is a student studying B.Sc. Zoology. The petitioner had only played online mobile game and at that time, the Police officials came to the spot and asked the petitioner and other accused to vacate the place and if not, they threatened to register First Information Report against them. One of the accused refused to vacate the place and tried to convince the Police team. The petitioner had immediately left the spot. However, this case has been foisted against him. The learned counsel further submitted



4. The learned Government Advocate (Criminal Side), opposed this petition on the ground that investigation is pending.

5. Considering the nature of offence and the fact that the petitioner has no bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner and hence, this petition is allowed.

6. 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 Judicial Magistrate No.3, Nagercoil on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the Magistrate concerned and on further conditions 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 as and when required, until further orders.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond either during investigation or trial.

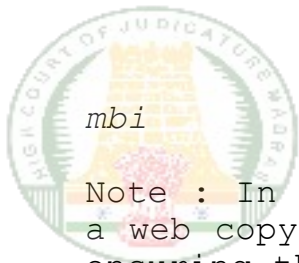
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
06/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



mbi

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.III
NAGERCOIL
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE
SUCHINDRAM POLICE STATION,
KANYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.R.SATISH, Advocate (SR-5229[I] dated 09/08/2021)

ORDER
IN
CRL OP(MD) No.10581 of 2021
Date :06/08/2021

PKP/PN/SAR-2/19/08/2021/3P/6C