



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

Date : 09.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.10922 of 2021

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Dharmesh

... Petitioner/rank not known

Vs

The Inspector of Police,
Cantonment Police Station,
Tiruchirapalli District.
Crime No.694/2021

... Respondent/Complainant

For Petitioner : Mr.S.K.Mani

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.694 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 395 of IPC in Crime No.694 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Sub Inspector of Police, Reserve Police Force. While he was going in his two wheeler, he found this petitioner and four others consuming liquor near Aristo Flyover. They tried to block his two wheeler. The accused abused the defacto complainant since he belong to another State. Since the accused did not let him go, the defacto complainant took his motorcycle key and proceeded to the Station, leaving behind the motorcycle. The accused have taken away the motorcycle of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he is falsely implicated in this case.

4. The learned Government Advocate (Criminal Side), on instructions, would submit that motorcycle was recovered and A1 and A2 were granted anticipatory bail by this Court in Crl.OP(MD) No.10922 of 2021 on 29.07.2021.

<https://hcservices.gov.in/hc2021/>



5. Considering the nature of offence and the fact that co-accused have been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner and hence, this petition is allowed.

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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.II, Thiruchirapalli 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 daily at 10.30 am., 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/-
09/08/2021

/ TRUE COPY /

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

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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.II,
Thiruchirapalli
- 2.Do Through The Chief Judicial Magistrate,
Thiruchirapalli.
- 3.The Inspector of Police,
Cantonment Police Station,
Tiruchirapalli District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.10922 of 2021
Date : 09.08.2021

TR/VR/SAR-II (18.08.2021) 3P 5C