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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12111 of 2021

Sudharsan

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Mathichiyam Police Station,
Madurai City.
(Crime No.405 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Saravanakumar S, Advocate.

For Respondent : M/s.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.405 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 379 I.P.C, in Crime No.405 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused has moved the defacto complainant's vehicle from the parking area, he had been caught red-handedly and handed over to the respondent police. Hence, the complaint.



3.The learned counsel for the petitioner submits that the petitioner was just a bystander near to the vehicle where it was parked. The defacto complainant made an allegation on the premise that the petitioner is one of the perpetrators to the crime. Since the petitioner is none other than the relative of the first accused, he has been falsely implicated in this case. He would further submit that petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that based on the confession statement of the first accused, this petitioner has been implicated in this case. He would further submit that the petitioner has not involved in any other offences and the investigation in this case is yet to be completed.

5.Considering the facts and circumstances of the case, the fact that this petitioner has been implicated on the confession statement of the co-accused and also the fact that the petitioner has not involved in any other offences, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, this Criminal Original Petition is allowed and 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.II, 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 learned 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m 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]**; and;



(f)if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
31/08/2021

/ TRUE COPY /

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

MSA

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,
MADURAI.
2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
MATHICHIYAM POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12111 of 2021
Date :31/08/2021