



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

Date : 23.09.2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.14127 of 2021

B.VIGNESH @ VIGNESWARAN

... PETITIONER/ACCUSED NO.5

VS

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THIRUGOKARNAM POLICE STATION,
PUDUKOTTAI DISTRICT.
[CRIME NO.585 OF 2021]

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.K.Nagendra Prasad, 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.585 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 offence punishable under Section 399 IPC in Crime No.585 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that petitioner along with other accused consumed alcohol and conspired to commit dacoity with dangerous weapons and hence, the case came to be registered.

3.The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and the petitioner was not all present in the alleged place of occurrence.

4.The learned Additional Public Prosecutor appearing for the respondent Police submitted that that apart from the present case, the petitioner has involved in four other cases.



5. Though the petitioner is involved in four other cases, considering the nature of the offences therein, considering the nature of allegations against the petitioner in the present case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly this criminal original petition is allowed and 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.2, Pudukottai on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 twice at 10.30 am and 4.30pm 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 is 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/09/2021

/ 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 NO.2,
PUDUKOTTAI.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
THIRUGOKARNAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S. NAGENDRA PRASAD.K. Advocate SR.No.6600.

ORDER
IN
CRL OP(MD) No.14127 of 2021
Date :23/09/2021

USK/VR/SAR-II/ (28.09.2021) 3P-6C