



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/10/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16633 of 2021

Vadivel ... Petitioner/3rd Accused

Vs

The State rep.by
The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
Cr.No. 384 of 2021.

... Respondent/Complainant

For Petitioner : Mr.D.VENKATESH,
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.384 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 Sections 294(b), 341, 324, 397 & 506(ii) of IPC in Crime No.384 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 20.10.2021 at about 07.30 p.m., the defacto complainant was going in a motor bike along with his son. At that time, the accused persons have waylaid the defacto complainant, attacked him with iron rod and taken away a sum of Rs.2,500/-. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case. He further submitted that the petitioner has been implicated in this case, based on the confession statement of the co-accused. However, he is willing to file an undertaking affidavit before the trial Court that he will not indulge any offence in future.

4. The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner has no previous case pending against him.



5.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner, the fact that the petitioner is not having any bad antecedent and his willingness to file an affidavit that he will not indulge any offence in future, this Court is inclined to grant anticipatory bail to the petitioner.

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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, Nanguneri, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 persons who are giving sureties should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments and the sureties shall file an affidavit by ensuring that the petitioner will not indulge in any other offence in future and he will be available for the entire trial;

[b]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 Aadhaar card or bank pass book to ensure their identity.

[c]the petitioner shall report before respondent police as and when required.

[d] the petitioner is directed to file an undertaking affidavit that he will not indulge any offence in future before the trial Court and the respondent Police.

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

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

[g]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]**.

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

sd/-

28/10/2021

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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
NANGUNERI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.16633 of 2021
Date :28/10/2021

SA/PN/SAR.3/08.11.2021/3P/5C