



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

Date : 30/11/2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.16670 of 2021

S.AYYASAMY

(WRONGLY MENTIONED IN THE FIR AS AYYACHAMY)

... PETITIONER/ACCUSED RANK NO.5

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
KRISHNAN KOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 177 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.D.Rajaboopathy,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 177 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 and 511 IPC, in Cr.No.177 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 20.10.2021 the *defacto* complainant and his party went to their regular patrol, they found that the accused persons were found in possession of small level sembu, pot and goglet and they are trying to cheat the rich people that the properties contained Iridium. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. The petitioner is not having any previous case. Co-accused was arrested and released on bail. Hence, he seeks anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that investigation is not yet completed and the petitioner is not having any previous case at his credit.

5.Considering the nature of the charges levelled against the petitioner and also the facts that the properties have already been recovered, that the co-accused ie., A1 was arrested and released on bail by the jurisdictional Magistrate and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, 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, Srivilliputhur 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 respondent Police or to the Police Officer, who intends to arrest or 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/11/2021

/ 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.II,
SRIVILLIPUTHUR.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE INSPECTOR OF POLICE,
KRISHNAN KOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.D.RAJA BOOPATHY, Advocate (SR-8692[I] dated 01/12/2021

ORDER
IN
CRL OP(MD) No.16670 of 2021
Date :30/11/2021

pnm
USK/PN/SAR-II/ (06.12.2021) 3P-6C