



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

Date : 02/12/2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17200 of 2021

M.PALANIAPPAN

... PETITIONER/RANKING NOT KNOWN

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
(CRIME NO.66 OF 2018).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.V.Sukumar,
Advocate.

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.66 of 2018 on the file of the Respondent Police.

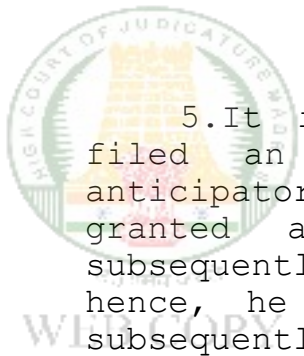
ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 457, 380 IPC, in Crime No.66 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had broke open the house of the *defacto* complainant and looted 20 sovereigns of gold jewels. Hence, the complaint.

3.The learned counsel for the petitioner would submit that petitioner is innocent and not committed any offence as alleged by the prosecution. He would further submit that he also got anticipatory bail from this Court in Crl.OP(MD)No.249 of 2020 and that the co-accused were already released on bail. Hence, prays for anticipatory bail.

4.The learned Additional Public Prosecutor would submit that this petitioner also got anticipatory bail from this Court and that the co-accused were already released on bail.



5.It is evidenced from the records that the petitioner has filed an application in Crl.OP(MD)No.249 of 2020, seeking anticipatory bail and this Court vide order dated 08.01.2020 has granted anticipatory bail, imposing certain conditions and subsequently he was informed that he was not shown as accused and hence, he could not comply with the order of this Court. But subsequently, the petitioner came to know that he was shown as accused. Hence, he has filed this present petition.

6.Considering the facts and circumstances of this case and the facts that the co-accused ie., A1 to A4 were arrested and released on bail and that the present petitioner has already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Musiri, 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 trial Court 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.

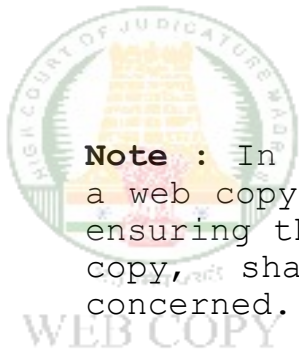
sd/-

02/12/2021

/ 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,
MUSIRI.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
 3. THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
TIRUCHIRAPPALLI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.V.SUKUMAR, Advocate (SR-8756[I] dated 02/12/2021)

ORDER
IN
CRL OP(MD) No.17200 of 2021
Date :02/12/2021

pnm
USK/PN/SAR-II/(08.12.2021) 3P-6C