



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.11.2021

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.17518 of 2021

K.Lingaraj

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
Rajapalayam North Police Station,
Rajapalayam, Virudhunagar District.
In Crime No.311 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Thirumurugan
Advocate.

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

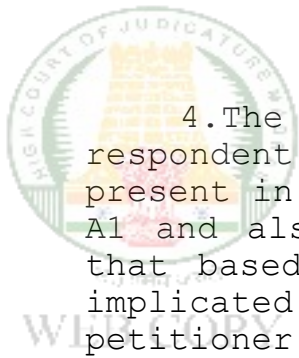
PRAYER :-For Anticipatory Bail in Crime No.311 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 454, 380 and 511 IPC in Crime No.311 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The allegation against the petitioner is that on 04.10.2021, the petitioner and others had attempted to broke open the temple kundies.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that based on the confession statement given by A1, the petitioner was arrayed as A2 in this case and A1 was already arrested and released on bail by the Sessions Court.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner was very much present in the occurrence place and that the forest officials nabbed A1 and also seized M80 vehicle from him. He would further submit that based on the confession statement of A1, the petitioner was implicated in this case and no previous case is pending against the petitioner herein.

5.Considering the nature of charges levelled against the petitioner and also the facts that the first accused was already arrested and released on bail and that the petitioner is not having any previous case for similar or serious offence or for any other property offence, this Court is inclined to grant anticipatory bail to the petitioner 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 Court, Rajapalayam, 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 at 10.30 a.m. for a period of one month and thereafter, as and when required for interrogation.

(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.

sd/-
12/11/2021

/ 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,
RAJAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.T.THIRUMURUGAN, Advocate (SR-8041[I] dated 12/11/2021)

ORDER

IN

CRL OP(MD) No.17518 of 2021

Date :12/11/2021

SJI

MK/VR/SAR.I/18.11.2021/3P/6C