



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 22/12/2021

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PRESENT

The Hon'ble Mr.Justice **G.ILANGOVA**

Crl.OP(MD)No.20344 of 2021

K.Naveen Kumar

... Petitioner/Accused No.2

Vs.

State rep. Through
The Sub Inspector of Police,
Karuppayurai Police Station,
Madurai City.
(Crime No.224 of 2021)

... Respondent/Complainant

For Petitioner : M/s.S.M.A.Jinnah. Advocate

For Respondent : M/s.S.Manikandan
Government Advocate(Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime No.224 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 392 and 397 IPC in Crime No.224 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 05/12/2021 the accused waylaid the mini bus bearing registration No.TN-57-K-6826 and abused the de-facto complainant, who is the conductor of the bus, in filthy words and also robbed Rs.930/- from him.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal side) appearing for the State.



4. On the reading of the FIR, this court is not convinced the contents and the truth of the FIR. The reason being that the time of occurrence is stated to be at 10.55 am, on 05/12/2021, but whereas the complaint was given only on 06/12/2021 at 8.30 am.

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5. Reading of the FIR shows that on 05/12/2021, when the de-facto complainant along with the driver were on routine travelling and at about 10.55 am, four accused persons stopped the mini bus at knife point and criminally intimidated the de-facto complainant and snatched away Rs.930/-. This heinous offence occurred in a busy hours of daylight. The complaint was not given immediately. This is the major point that has been raised by the petitioner at the time of argument. According to him, the offence as taken is unbelievable one.

6. For the purpose of finding out the veracity of the complaint, the entire CD file is also produced, wherein none of the passengers travelling in the mini bus has been examined so far. The reason for the non examination of the passengers is also not known. It appears that against the co-accused persons several cases are pending. But against this petitioner, it appears that no other case is pending. When this court entertained doubt with regard to the very nature of the offence that has been allegedly taken, the petitioner is entitled for anticipatory bail.

7. Accordingly, this court inclined to **grant anticipatory bail** to the petitioner/A2 with certain conditions.

8. Accordingly, the petitioner/A2 is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Madurai and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner/A2 shall appear before the respondent police daily at 10.00 am until further orders. The petitioner/A2 shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously. The petitioner/A2 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

Sd/-
22/12/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.IV)
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,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE SUB INSPECTOR OF POLICE,
KARUPPAYURANI POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.20344 of 2021

Date :22/12/2021

SP/PN/SAR IV/28/12/2021/3P/5C