



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Eighth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.2902 of 2022

(*) **THAMIZH @ THAMIZHAGAN**

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
THELLAR POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CRIME.NO.359/2013.

[RESPONDENT]

For Petitioner : M/S G.SATHISHKUMAR Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)
Dated:08/02/2022

:MR.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate (Crl. Side)
Dated:17/03/2022 [CRL.MP.NO.3307/2022
IN CRL.OP.NO.2902/2022]

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections 457, 392, r/w 397 IPC, in Crime No.359 of 2013, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 30.09.2013, the petitioner along with other accused allegedly entered into the TASMAL Shop No.9280 at Embalam Koot Road and stolen away the money bag which belongs to the defacto complainant. He further threatened the the defacto complainant by showing the deadly weapons. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the case was registered against the petitioner under sections 457, 392, r/w 397 IPC and further submitted that the petitioner is an innocent person and he has been falsely implicated in this case however, he ready to abide any condition as imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Criminal Side) appearing for the respondent submits that for the above mentioned offences, the respondent police had already completed the investigation and also filed the final report in the trial Court. However, he opposed grant of anticipatory bail to the petitioner.

5.Heard the submissions made by the learned Counsels appearing for either sides.

6. In view of the above submissions made by the learned Counsels appearing for the respondent police that after registering the case, the portion of amount robbed has been recovered and further the final report has been filed after the recovery proceedings and hence the question of custodial interrogation may not be necessary in this case, and hence this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned J.M., Vandavasi 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned 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.a.m., until further orders.

(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/-
08/02/2022

Web Copy

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

(*)Amended as per order of this court dated 17/03/2022 made in CRL.MP.NO.3307/2022 IN CRL.OP.NO.2902/2022.

TO

1 THE JUDICIAL MAGISTRATE,
VANDAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVANNAMALAI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
THELLAR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+2CC to M/S G.SATHISHKUMAR Advocate on payment of necessary charges SR.No.4090

CRL OP.2902/2022

Date :08/02/2022

INBA~16/02/2022

CSK 25/03/2022