



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Ninth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13348 of 2022

M.RAJU

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
RAILWAY POLICE STATION,  
JOLARPET, TIRUPPATHUR DISTRICT.  
(CRIME NO.70/2022)

[ RESPONDENT ]

For Petitioner : M/S.C.S.DHANASEKARAN Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 393, 327, 506(i) of IPC in Crime No.70 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 04.05.2022 at 3.15 hours, two of the persons robbed gold jewels at Cheran Express Train in S9 coach at Jolarpet Railway Junction. While they were intercepted, one among them sprayed. Both threatened the defacto complainant with dire consequences, if he tried to take the jewels safely. Due to the crowd in the train, both ran away from the scene of occurrence. Hence the complaint.

3. The learned counsel for the petitioner would submit that there are totally three accused. The petitioner is arrayed as A3. A1 and A2 were attempted to rob the gold jewels. Only on the confession of the co-accused, the petitioner has been falsely implicated in this case. Admittedly, the petitioner was not present in the scene of occurrence. Therefore, he prays anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the co-accused were arrested and remanded to judicial custody. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.III, Tiruppathur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 a.m. for a period of two weeks 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

09/06/2022

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.

TO

1 THE JUDICIAL MAGISTRATE,  
NO.III, TIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
RAILWAY POLICE STATION,  
JOLARPET, TIRUPPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S.C.S.DHANASEKARAN Advocate on payment of necessary charges SR.No.8729

CRL OP.13348/2022

Date :09/06/2022

CSK 15/06/2022