



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/01/2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.122 of 2022

Moorthy @ Mandira Moorthy

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
(Crime No.1097 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.Prabu,
Advocate.

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

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

PRAYER :-For Anticipatory Bail in Crime No.1097 of 2021 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 Section 379 IPC, in Crime No.1097 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 23.11.2021, while the *defacto* complainant was walking near Mariyamman Temple, the accused persons came there and enquired him about the address of one unknown person. At that time, the first accused snatched away the mobile phone of the *defacto* complainant and both the accused persons ran away from the occurrence place. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and has not committed any offence as alleged by the prosecution. There is no specific overt act against this petitioner and that the co-accused was already enlarged on bail. Hence, prays to release him on anticipatory bail.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the property was already recovered in this case and that the co-accused was already enlarged on bail.

5.Considering the nature of charges levelled against the petitioner and the facts that the alleged property was already recovered in this case and that the co-accused ie., first accused was already enlarged on bail, 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, before the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi 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 the petitioner shall appear before the respondent police daily at 10.30 am for a period of 30 days and thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

06/01/2022

/ TRUE COPY /

/ /2022

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 NO.I, KOVILPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE KOVILPATTI EAST POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.122 of 2022

Date :06/01/2022

PNM

<https://hmc.jsc.gov.in/fcser/01.2022/2P/5C>