



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.1292 of 2022

Kesavan : Petitioner/Accused NO.9

Vs

State Rep.by
The Inspector of Police,
Thottiyam Police Station,
Trichy District.
Crime No.156 of 2018. : Respondent/Complainant

For Petitioner : Mr.Mani Anandh,P.
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

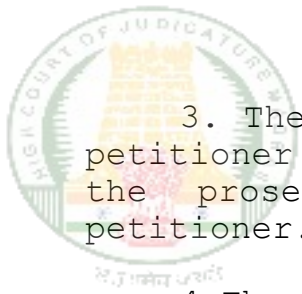
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :- For Anticipatory Bail in Crime No.156 of 2018 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.9, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 395 @ 395 r/w 397, 177, 328 of IPC r/w 6 of 24(1) Cigarettes and Other Tobacco Products (COTPA) Act, in Cr.No.156 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 27.05.2018 at about 02.30 am, the petitioner's vehicle was proceeding from Bangalore to Chidambaram along with 5 tons of load with Horlicks and other stationary items, that at that time, near Manamedu, Kondamvaripalam an unnumbered Bolero jeep blocked his vehicle and 8 unknown persons assaulted the driver and robbed away the vehicle along with goods. Subsequently, FIR was registered against 8 unknown persons. After investigation, the respondent police came to know that the petitioner along with his driver and 8 others have robbed Gutka and played a drama as if the vehicle was robbed along with 5 tons of Horlicks and other stationary items. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that after investigation, the respondent police came to know that the petitioner along with his driver and 8 others have robbed Gutka and played a drama as if the vehicle was robbed along with 5 tons of Horlicks and other stationary items.

5. It is not in dispute that on the basis of the complaint lodged by the petitioner herein, FIR came to be registered in Crime No.156 of 2018 for the offence under Section 395 IPC and after investigation, the respondent police came to know that the petitioner, who is the owner of the vehicle, was cunningly involved in the offence and he has lodged a false complaint as if five tons of Horlicks along with vehicle were taken away.

6. Considering the facts and circumstances of the case and also the facts that the co-accused were arrested and released on bail, that the petitioner is not having any previous case for similar or serious offence and also the fact that the investigation is almost completed as stated by the learned Government Advocate (Criminal Side), this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

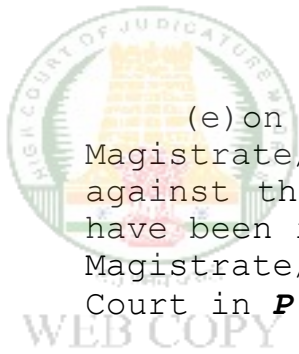
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Musiri, on condition that the petitioner shall execute a bond for a sum 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 to the Police Officer, who intends to arrest or 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 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 am for a period of one month 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



(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/-

07/02/2022

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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, MUSIRI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.1292 of 2022

Date : 07/02/2022

DAS

MS/VR/SAR-2/21.02.2022/3P.5C