



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3291 of 2022

Kannan

... Petitioner/Accused No.8

Vs

The State rep.by,
The Inspector of Police,
Airport Police Station,
Trichy City.
Crime No.350/2017.

... Respondent/Complainant

For Petitioner : Mr.S.Vishnuvardhan,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.350 of 2017 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A8, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 323 and 506(ii) IPC in Crime No.350 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and one Shankar are friends and the said Shankar introduced Latha, Anbalagan and Karthikeyan to him and all of them collusively made illusive statement that they can buy seized gold bars from the customs Office of Trichy Airport for lowest rate. On believing their words, the de-facto complainant along with them went to Trichy for purchase of gold bar on 17.05.2017 and before reaching the Customs Office, five persons stopped their car and introduced themselves as Customs Officer and searching the car and also entered into the car and pulled out the cash and they made life threat to the de-facto complainant. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner was implicated only on the basis of the confession statement alleged to have taken from the co-accused and that the prosecution has neither averred nor shown any material to connect the petitioner with the crime in question.

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4.learned Government Advocate (Crl. side) would submit that the co-accused was already granted anticipatory bail by this Court in Crl.O.P.(MD)No.7329 of 2017, dated 20.06.2017 and some of the accused were already arrested and released on bail.

5.Considering the above facts and circumstances and also the facts that FIR came to be registered in the year 2017, that the co-accused was already granted anticipatory bail by this Court and some of the co-accused were already released on bail and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.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 Court No.VI, Trichy, 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 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/-
09/03/2022

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/ /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.VI,
TRICHY.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
AIRPORT POLICE STATION, TRICHY CITY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.S.VISHNUVARDHANAN, Advocate (SR-1890[I]dated 10/03/2022)

ORDER
IN
CRL OP(MD) No.3291 of 2022
Date :09/03/2022

SJI
MK/VR/SAR.III/17.03.2022/3P/6C