



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/03/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.4111 of 2022

Muniyasamy

... Petitioner/Accused No.6

Vs

The State Represented by
The Inspector of Police,
Uchippuli Police Station,
Ramanthapuram District.
(Crime No.288/2021).

... Respondent/Complainant

For Petitioner : M/s.R.BHARATH,
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.288 of 2021 on the file of
the Respondent Police.

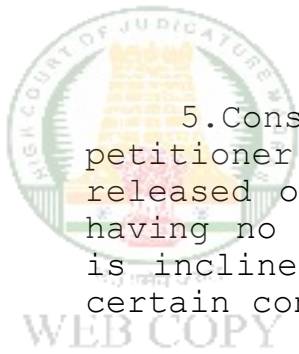
ORDER : The Court made the following order :-

The petitioner/accused No.6, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
427, 395, 397 and 506(ii) IPC, in Cr.No.288 of 2021, seeks
anticipatory bail.

2.The case of the prosecution is that on 14.06.2021, the
petitioner and other accused have trespassed into the de-facto
complainant's shop, robbed a sum of Rs.500/- with knife point and
damaged the showcase worth about Rs.25,000/-. 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. He would further submit that the co-accused were
already released on bail by the Sessions Court.

4.The learned Government Advocate (Crl.Side) appearing for the
respondent would submit that the property was not recovered and that
the petitioner is having two previous cases but not for similar
offence.



5.Considering the nature of charges levelled against the petitioner and also the facts that the co-accused were already released on bail by the Sessions Court and that the petitioner is having no 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 shall pay a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Ramanathapuram.

7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of his 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 No.II, Ramanathapuram, 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/-
03/03/2022

/ 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.II,
RAMANATHAPURAM.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
UCHIPPULI POLICE STATION, RAMANTHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ADVOCATES WELFARE FUND, MADURAI BENCH OF
MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4111 of 2022
Date :03/03/2022

SS/PN/SAR:I/09.03.2022 : 3P/6C