



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

Date : 10/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3776 of 2022

Sathish Kumar, ... Petitioner/2nd Petitioner/Accused No.2
Vs

State rep.by
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
Cr.No. 447 of 2021. ... Respondent/Respondent /Complainant

For Petitioner : MR.P.M.Vishnuvarthanan, 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.447 of 2021 on the file of the Respondent police.

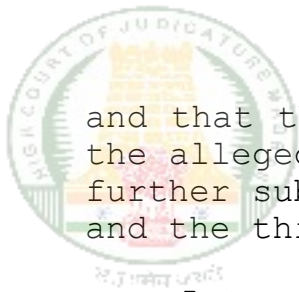
ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 392 IPC, in Crime No. 447 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused persons entered into the house of the defacto complainant, threatened him and his family members with deadly weapons and robbed jewels worth about Rs.15,000/-, three cell phones and ATM Card at knife point. Hence, the complaint.

3.One Prithikaivasan/Accused has filed a petition in Crl.OP(MD) No.18038 of 2021, seeking anticipatory bail, this Court vide order dated 18.11.2021, has granted anticipatory bail to him and dismissed the petition in respect of the present petitioner concerned.

4.The learned counsel for the petitioner would submit that since the petitioner is having similar cases, he was falsely implicated in the case and there was no recovery from the petitioner



and that the petitioner was falsely implicated only on the basis of the alleged confession statement taken from the co-accused. He would further submit that the first accused was granted bail by this Court and the third accused was also granted bail by the Sessions Court.

5. Considering facts and circumstances of the case and also considering the facts that the property has been recovered and that the co-accused have been granted anticipatory bail by this Court as well as by the Sessions Court, 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, 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 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 am until further orders;

(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/-
10/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



DAS

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 JUDICIAL MAGISTRATE COURT
KARAIKUDI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

+1 CCToM/s.P.M.VISHNUVARTHANAN, Advocate (SR-2004[I] dated 14/03/2022)

ORDER
IN
CRL OP(MD) No.3776 of 2022
Date :10/03/2022

PKP/SBN/SAR-4/16.03.2022/3P/6C