



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

Date : 25/04/2022

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6092 of 2022

U.Neppolian

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
(Crime No.107/2022).

... Respondent/Complainant

For Petitioner : M/s.Arumugam C M,
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.107/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 407 IPC, in Crime No.107 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant, is working as a Salesman and is also collecting money from the vendors. On 16.03.2022, the de-facto complainant along with one Ashok Babu went for collection of money through a two wheeler and thereafter, the de-facto complainant parked his two wheeler in the two wheeler parking, which is located at Sattur bus stand. Again on 17.03.2022 at about 11.00 a.m., the de-facto complainant along with the said Ashok Babu went to the two wheeler parking to take the vehicle back and at that time, they found that the parked vehicle was found missing. When the de-facto complainant enquired the petitioner about the missing of the vehicle, he abused the de-facto complainant in filthy language. 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.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent has filed a copy of the letter written by the Commissioner of Sattur Municipality to the respondent police, wherein, it has been stated the one Janaki, was working in the day time and one Udhayaraja was working in the night time on 16.03.2022 and 17.03.2022 at two wheeler parking, that the petitioner has nothing to do with the two wheeler, cycle parking.

5.Considering the nature of the charges levelled against the petitioner and also the fact that the petitioner is not having any bad antecedents, 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 No.II, Sattur, 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/-
25/04/2022

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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.II,
SATTUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.C.M.ARUMUGAM, Advocate (SR-3785 & 3885[I] dated 25/04/2022 & 27/04/2022)

ORDER
IN
CRL OP(MD) No.6092 of 2022
Date :25/04/2022

SJI
USK/VR/SAR-IV/02.05.2022/3P/7C