



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6189 of 2022

Mahendran

... Petitioner/Accused
(Rank Not Known)

Vs

State rep.by
The Inspector of Police,
Usilampatty Town Police Station,
Madurai District.
Crime.No.242/2021.

... Respondent/Complainant

For Petitioner : M/s.Pitchai Muthu 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.242 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 392 IPC, in Cr.No.242 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 23.05.2021, when the de-facto complainant was standing in front of her house, the petitioner and other accused came there and snatched her two sovereigns of gold chain. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was implicated only on the basis of the confession taken from the first accused, that he is in no way connected with the alleged occurrence and that he has been falsely implicated in this case.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner was added on the basis of the confession taken from one Arunpandian, that the property has been recovered and that the petitioner is having one previous case for similar offence. He would further submit that except the confession of the co-accused, there are no material evidence to link the petitioner with the crime in question.

5.Considering the above facts and circumstances and also the facts that the petitioner was implicated only on the basis of the co-accused and that there are no materials to connect the petitioner with the crime in question, 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.I, Usilampattty, Madurai District, 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 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/-

07/04/2022

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Sub-Assistant Registrar (C.S.IV)
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.I,
USILAMPATTY, MADURI DISTRICT.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
USILAMPATTY TOWN POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6189 of 2022

Date : 07/04/2022

SP/PN/SAR IV/18/04/2022/3P/5C