



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

Date : 27.04.2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6797 of 2022

S.Manikandan

... Petitioner/Accused
(Rank Not Known)

Vs

1. The State represented by its
The Sub-Inspector of Police,
Srirangam Police Station,
Trichy District.
(Crime No.301 of 2022)

... Respondent/Complainant

2. Vijayakanth

... Petitioner/Intervenor/
Defacto Complainant
in CRL MP(MD) No.5200/2022

For Petitioner : Mr.N.S.Ramakrishna Dass,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side).

For Intervenor : Mr.M.Maharaja, Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.301 of 2022 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 Sections 395 and 397 IPC, in Crime No.301 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused entered into the defacto complainant's shop and threatened the defacto complainant's staff one Suganti with knife and taken a sum of Rs.5,000/- and some groceries worth about Rs.1,000/- and damaged some shop items. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that only on the basis of the confession statement taken from the co-accused, the petitioner was implicated.

4.The learned counsel for the intervenor would submit that only at the instigation of the petitioner, the alleged occurrence was taken. He would further submit that the accused damaged the interior works of the defacto complainant's shop.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the other accused were already arrested and that no one was injured in the incident.

6.Considering the above facts and circumstances and also the facts that no one was injured in the incident and that the petitioner is not having any previous cases for similar offence or serious offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** to the credit of Crime No.301 of 2022 on the file of the respondent police, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Srirangam, Trichy.

8.On production of such receipt/acknowledgment, 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, Srirangam, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the Sub Inspector of Police, Thiruverambur Police Station, daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

27/04/2022

/ 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,
SRIRANGAM, TRICHY.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
SRIRANGAM POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE INSPECTOR OF POLICE,
THIRUVERAMBUR POLICE STATION,
TRICHY DISTRICT.

ORDER

IN

CRL OP(MD) No.6797 of 2022

Date : 27/04/2022

CSM

USK/JM/SAR-II/06.05.2022/3P/6C

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