



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/04/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.6986 of 2022

S.Prasanth

... Petitioner/Accused Ranking Unknown

Vs

The State represented by
The Inspector of Police,
Town North Police Station,
Dindigul District.
(Crime No. 164 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Anbarasu.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.164 of 2022 on the file of
the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 379 IPC,
in Crime No.164 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that when the de-facto
complainant has withdrawn a sum of Rs.2,50,000/- from his saving
bank account, two persons came by two wheeler have deviated the
de-facto complainant's attention and have stolen the said amount
kept in the bike pouch of the de-facto complainant. Hence, the
complaint.

3.When the matter is taken up for hearing today, the learned
counsel for the petitioner would submit that the petitioner in order
to show his *bona fide*, is ready and willing to deposit a sum of
Rs.75,000/- to the credit of Crime No.164 of 2022 and he also filed
an affidavit sworn by the petitioner, wherein the petitioner has
specifically undertaken to deposit a sum of Rs.75,000/- (Rupees
Seventy Five Thousand only) before the Jurisdictional Court.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that out of Rs.2,50,000/-, Rs.1,75,000/- has already been recovered and Rs.75,000/- is yet to be recovered.

5.Considering the above facts and circumstances and also taking note of the undertaking affidavit given by 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 shall pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of Crime No.164 of 2022 on the file of the learned Judicial Magistrate No.II, Dindigul, without prejudice to his rights and contentions.

7.On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Dindigul, 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the Judicial Magistrate No.II, Dindigul 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

/ 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,
DINDIGUL.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, DINDUGAL DISTRICT.
 - 3 THE INSPECTOR OF POLICE
TOWN NORTH POLICE STATION, DINDIGUL DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. ANBARASU.M. Advocate SR.No.3807

ORDER
IN
CRL OP(MD) No.6986 of 2022
Date :25/04/2022

SS/SVR/SAR:I/29.04.2022 : 3P/6C