



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26.04.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7696 of 2022

Sethupathy

... Petitioner/Accused

Vs

The State represented by
The Inspector of Police,
Kovilankulam Police Station,
Ramanathapuram District.
(Crime No.18 of 2020)

... Respondent

For Petitioner : Mr.B.MAHENDRARAJAN,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.18 of 2020 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 offence punishable under Section 397 IPC, in Crime No.18 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused way-laid the defacto complainant and robbed cash of Rs.400/-, one mobile phone and damaged his vehicle with hands and wooden log. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has earlier filed an application in Crl.O.P.(MD)No.3569 of 2021 seeking anticipatory bail and this Court, vide order dated 08.03.2021, has granted anticipatory bail to the petitioner. He would further submit that due to COVID-19 restrictions, the petitioner could not furnish the sureties hence, he was constrained to file the above application for anticipatory bail again.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is having



five previous cases including one murder case and three cases for the offence under Section 506(2) IPC.

5.Considering the nature of charges levelled against the petitioner and also the facts that investigation is almost completed as stated by the learned Government Advocate (Criminal Side) and that the petitioner was already granted anticipatory bail by this 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, Kamuthi, Ramanathapuram 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 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 respondent police 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.

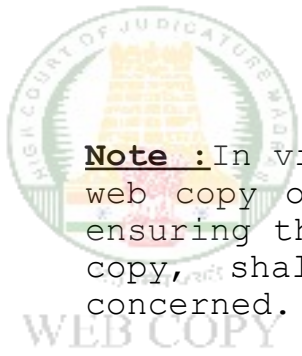
sd/-

26/04/2022

/ 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
KAMUTHI, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KOVILANKULAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7696 of 2022
Date :26/04/2022

CSM
PKP/JM/SAR.2/28.04.2022/3P/5C