



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

Date : 29.04.2022

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7755 of 2022

Xaveir Vincelin Vincent

... Petitioner/Rank Not Known

Vs

The State Rep. By,
The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.
Cr.No.42 of 2022.

... Respondent/Complainant

For Petitioner : Mr.P.Samuel Gunasingh
Advocate.

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

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

PRAYER :-

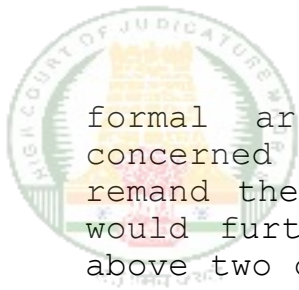
For Anticipatory Bail in Crime No.42 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused Rank not known, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC, in Cr.No.42 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 06.03.2022, the petitioner and other accused have snatched two sovereigns of gold from the de-facto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was arrested in connection with Crime No.38 of 2022 of Asaripallam Police Station, that when the petitioner was in custody, he was implicated in the case in Crime No.53 of 2022 of Eraniel Police Station and on P.T. Warrant, he was remanded to judicial custody.. He would further submit that the petitioner was again also implicated in the present case in Crime No.42 of 2022 and after



formal arrest, they have produced the petitioner before the concerned Magistrate and the learned Magistrate has refused to remand the petitioner so far as the present case is concerned. He would further submit that the petitioner was granted bail in the above two cases in Crime Nos.38 of 2022 and 53 of 2022.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that though the petitioner was added as accused in the above two cases, but by over-sight, the same was not mentioned before the Court of Judicial Magistrate No.I, Nagercoil and on that basis, he was granted bail.

5.As rightly contended by the learned counsel for the petitioner, the petitioner was implicated in the present case on the basis of the confession taken from the co-accused. The learned Government Advocate (Crl. side) would submit that in three cases, the properties were already recovered and he is not having previous case except the above referred three cases.

6.Considering the above facts and circumstances and also the facts that the property has been recovered and that the petitioner was implicated only on the basis of the confession taken from the co-accused, that there was no recovery from the petitioner and that this Court has already granted bail to the petitioner in two other cases, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

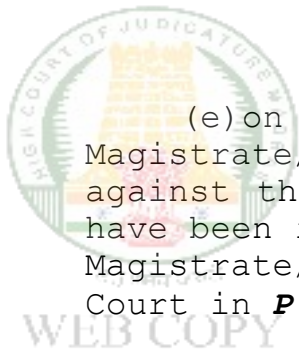
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District, on condition that the petitioner 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/-
29/04/2022

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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.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
PAZHUGAL POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7755 of 2022
Date : 29/04/2022

sjj
USK/JM/SAR-IV/09.05.2022/3P/5C