



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

Date : 10/06/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.9776 of 2022

Lingeswaran

... Petitioner/3rd Accused

Vs

The State Rep.by
The Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.
(Crime.No.95 of 2022).

... Respondent/Complainant

For Petitioner : Mr.N.Adithya Vijayalayan
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.95 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120-B and 399 of IPC, in Cr.No.95 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 16.05.2022 at about 01.00 p.m., when the de-facto complainant along with his subordinates was on patrol duty, they found the petitioner along with other accused in a suspicious manner. On seeing the police party, they tried to escape from that place. The police nabbed only four persons and they gave a confession stating that the petitioner and other accused had taken revenge for the murder of their friend, namely, Sankar @ Mandaiyan Sankar in the year 2019 and in order to meet out the case expenses, they had decided to commit dacoity from the pilgrims visiting Palani temple. Hence, the case.



3.The learned counsel for the petitioner would submit that the petitioner is a college student, he is innocent and not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is having previous case under 302 IPC and that he is not having any previous case for property offence.

5.Considering the above facts and circumstances of the case and also considering the nature of the charges levelled against the petitioner and also the fact that the petitioner is not having any previous case for property offence, 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, Palani, 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 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/-
10/06/2022

/ TRUE COPY /

WEB COPY

/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. TheJudicial Magistrate, Palani.
2. Do-Through The Chief Judicial Magistrate,
Dindugal District.
3. The Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.VENKATESH, Advocate (SR-5451[I] dated 13/06/2022)

ORDER
IN
CRL OP(MD) No.9776 of 2022
Date :10/06/2022

RK/JM/SAR-I (16.06.2022) 3P 6C