



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

Date : 11/07/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.12373 of 2022

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Nambi Narayanan

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Ervadi Police Station,
Tirunelveli District.
Crime No.67 of 2022.

... Respondent/Complainant

For Petitioner : M/s.S.Sathya Chidambaram, Advocate.
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.67 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

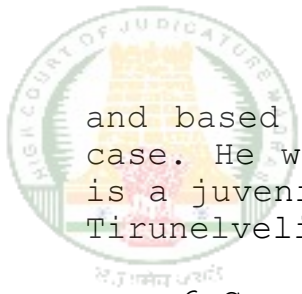
The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 392 and 506(ii) IPC, in Cr.No.67 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused abused the defacto complaint and snatched two sovereigns of gold chain from him. Hence, the complaint.

3.No doubt, the petitioner's earlier application was dismissed by this Court in Crl.O.P.(MD)No.10409 of 2022, dated 13.06.2022 on the ground that the property is not yet recovered and that the petitioner is having a previous case for similar offence.

4.The learned counsel for the petitioner would submit that the petitioner is one of the accused in the previous case, which has been registered in Crime No.246 of 2015 for the offences under Sections 147, 148, 447, 448, 294(b) and 506(ii) IPC, Section 4 of TNPHW Act and Section 3(1) of TNPPDL Act.

5.The learned Additional Public Prosecutor would submit that two sovereigns of gold jewels were recovered from the pawn broker



and based on his statement, the petitioner was implicated in this case. He would further submit that A2 and A3 are absconding and A4 is a juvenile and he was produced before the Juvenile Justice Board, Tirunelveli District.

6. Considering the fact that the property has been recovered 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.

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, Nanguneri, Tirunelveli 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/-

11/07/2022

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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, 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE, NANGUNERI, TIRUNELVELI DISTRICT.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE, ERVADI POLICE STATION,
TIRUNELVELI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12373 of 2022
Date :11/07/2022

RS/JM/SAR.2 (13.07.2022) 3P-5C