



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26.09.2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.13548 of 2022

WEB COPY

Ashokkumar

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
Crime NO.153 of 2022

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.153 of 2022 on the file of the Respondent police.

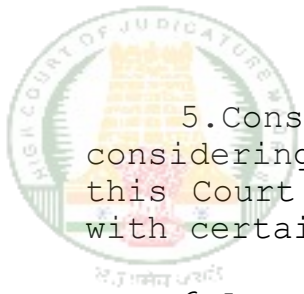
ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 392 IPC in Crime No.153 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on the date of occurrence, when the petitioner was returning back with cash of Rs.2,85,000/- near Posapatti Kanmai in Trichy-Karaikudi bye-pass road, two unknown persons have snatched the money bag stating that they are from Vigilance and Anti Corruption Police and taken away the said amount. Hence, the complaint.

3.The learned counsel for the petitioner would submit that based on the confession statement of the co-accused, the petitioner has been arrayed a accused in this case and he is innocent and he has been falsely implicated in this case. He would further submit that A2 and A3 were already arrested and released on bail. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) strongly opposed for grant of anticipatory bail stating that it is a case of robbery and the entire amount was recovered from A2 and A3 and based on their confession statement, the petitioner has been implicated in this case and the investigation is still pending.



5. Considering the facts and circumstances of the case, so considering the fact that the entire amount was already recovered, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of Headmistress, Government High School, Sathyamoorthy Nagar, Madurai (Account No.30641540761, IFSC Code: SBIN0016503, State Bank of India, Samayanallur, Madurai), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate, Thirumayam, Pudukkottai District.

7. On production of such receipt, 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, Thirumayam, Pudukkottai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 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/-

26/09/2022

/ TRUE COPY /

/10/2022

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, 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

- 1 THE JUDICIAL MAGISTRATE, THIRUMAYAM, PUDUKKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, THIRUMAYAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE HEADMISTRESS,
GOVERNMENT HIGH SCHOOL,
SATHYAMOORTHY NAGAR,
MADURAI DISTRICT.

+1 CC to M/s.D.RAMESH KUMAR, Advocate (SR-10503[I] dated 26/09/2022)

ORDER
IN
CRL OP(MD) No.13548 of 2022
Date :26/09/2022

SJI
RS/GB/SAR.(10.10.2022) 3P-7C