



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

Date : 07/10/2022

PRESENT

The Hon'ble Mrs. Justice T.V. THAMILSELVI
CRL OP(MD). No.15730 of 2022

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Gokulakannan

... Petitioner/Rank not known
Vs

State rep., by
The Inspector of Police,
Silaiman Police Station,
Madurai District.
Crime No.205 of 2022

... Respondent/Complainant

For Petitioner : Mr.S.Poornachandran
Advocate.

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.205 of 2022 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 392 IPC,
in Crime No.205 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 21.06.2022, at about
05.15. p.m., when the petitioner and the defacto complainant were
heading to Madurai from the complainant's house through his two
wheeler, the accused persons threatened the complainant and took
away 4 sovereigns gold chain and mobile phone at knife point. Hence
the complaint.

3. The learned counsel for the petitioner submits that the
petitioner is relative of the complainant and he went to the police
station along with the complainant for lodging the complaint. He
further submits that the petitioner has been falsely implicated in
this case and the co-accused were also released.

4. The learned Government Advocate (Crl. Side) submits that the
petitioner has been arrayed as Accused No.4 and the stolen property
has been recovered.

<https://www.hc.madras.gov.in/judis>



5. Considering the fact that the stolen property has been recovered and also the fact that the co-accused were released, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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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-II, Madurai, 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 learned 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 **once in a week i.e., on every Wednesday at 10.30 a.m.**, for a period of six weeks, 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]**; and;

(f) if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/10/2022

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/10/2022

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

vsm/abr



TO

1.The Judicial Magistrate-II,
Madurai.

2. -do-Through The Chief Judicial Magistrate,
Madurai.

3.The Inspector of Police,
Silaiman Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.POORNACHANDRAN, Advocate (SR-11109[I] dated
10/10/2022)

ORDER

IN

CRL OP(MD) No.15730 of 2022

Date :07/10/2022

RD/TR/SAR-II(11/10/2022) 3P 6C