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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.16379 of 2022

Vinoth @ Vinothkumar,
S/o Arumugam

... Petitioner/Accused No.3

Vs

The Inspector of Police,
Golden Rock Police Station,
Trichy City,
(Crime No. 774 of 2022)

... Respondent/Complainant

For Petitioner : M/s. Arunraj K,
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. 774 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 392 and 397 of IPC, in Crime No.774 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 20.07.2022, at about 9.30 a.m, the petitioner along with others extorted a sum of Rs.500/- from the pocket of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is not present in the scene of occurrence. He is an



innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that the co-accused were already arrested and thereafter, released on bail and the investigation is not yet completed. He would further submit that the petitioner is having 10 previous cases, out of which nine cases were disposed of and one case is pending under investigation.

5.Considering the facts and circumstances of the case and considering the nature of offence and also the fact that co-accused were already released on bail, this Court is inclined to grant anticipatory bail to the petitioners 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 No.V, Trichy, 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 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.

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

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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.V,
Trichy.
2. Do Through The Chief Judicial Magistrate,
Trichy.
3. The Inspector of Police,
Golden Rock Police Station,
Trichy City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.16379 of 2022
Date : 20/09/2022

TR/GB/SAR-II(28.09.2022) 3P 5C