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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/09/2022

PRESENT

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

CRL OP(MD). No.17351 of 2022

Muneeswaran

... Petitioner/Accused No.1

Vs

The State rep.by,
The Sub Inspector of Police,
Tallakulam Police Station,
Madurai City.
(Crime No.1805/2020).

... Respondent/Complainant

For Petitioner : M/s.Manoj Kumar.S, Advocate.

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

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

PRAYER :-

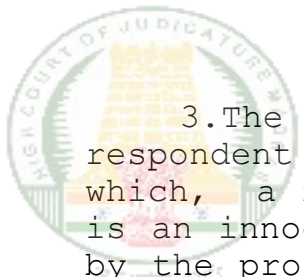
For Anticipatory Bail in Crime No.1805/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

When the matter is taken up for hearing, the learned Government Advocate (Crl.side) submitted that the petitioner is the third accused and it has been wrongly mentioned in the cause title as first accused. Hence, the Registry is directed to carry out the necessary amendment in the cause title.

2.The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 392 of IPC, seeks anticipatory bail.

2.The case of the prosecution is that on 07.08.2022, when the de-facto complainant went to kidstark shop in her vehicle and bought mask and wore the same, the two persons, who came in a two wheeler, snatched 8 ½ sovereigns of gold chain and ran away. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the respondent police has not traced over the original accused, due to which, a false case has been foisted against the petitioner and he is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit the petitioner shall abide any condition imposed by this Court and he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the first accused was already arrested and thereafter, released on bail and the second accused is still absconding. He would further submit that only 6.5 sovereigns has been recovered and the petitioner is having one previous case and investigation is still pending. Hence, he strongly opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the facts that the part of the property has been recovered and co-accused was already enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 No.II, Madurai, 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

[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]**.



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/09/2022

/ TRUE COPY /

/10/2022

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

CP

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.II, MADURAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE SUB INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.17351 of 2022

Date :28/09/2022

RK/GB/SAR- (10/10/2022) 3P/5C