



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

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17945 of 2022

WEB COPY

M.Ullamudaiyar

... Petitioner/Accused
Rank not known

Vs

The State rep.by,
The Inspector of Police,
Thisayanvilai Police Station,
Thisayanvilai,
Tirunelveli District.
(Crime No.448 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Pragalathan N,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.448 of 2021 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 alleged offence punishable under Section 392 of IPC in Crime No.448 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 29.10.2021 at about 1.30 pm., when the defacto complainant was sitting in front of the temple, two unknown persons came there and snatched a gold chain weighing about 2 sovereign and a mobile phone. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the property has been recovered and that the petitioner is having one previous case which is also of similar nature.



5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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 Court, Radhapuram, 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 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 deposit a sum of Rs.10,000/- as non refundable amount to the credit of Karthika Public Educational and Charitable Trust, SB A/c No.497663303, Indian Bank, Mayiladuthurai, Branch Code: 00165, IFSC Code:IDIB000M023.

(c)petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of four weeks.

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]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]**.

sd/-

06/10/2022

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/10/2022

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

RMI



TO

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

COPY TO

THE OFFICER IN CHARGE,
KARTHIKA PUBLIC EDUCATIONAL AND CHARITABLE TRUST,
MAYILADUTHURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-11056[I] dated
07/10/2022)

ORDER
IN
CRL OP(MD) No.17945 of 2022
Date :06/10/2022

RK/GB/SAR- (10/10/2022) 3P/7C