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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2022

PRESENT

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

CRL OP(MD). No.18488 of 2022

Allah @ Muthukumar

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Thirupulani Police Station,
Ramanathapuram District.
(Crime No.251 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Ajaykose C,
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.251 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 392 IPC in Crime No.251 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is running a petty shop, on 26.08.2020, one unknown person came her shop and threatened her with knife point and robbed 13 sovereigns of gold chain. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the petitioner's second anticipatory bail application and the earlier application was dismissed by this Court, dated 22.09.2022. Based on the confession statement of A1 and A2, the petitioner has been fully implicated as A3 in this case. He would further submit

<https://www.mhcn.org.in/crj/sdls>



that the petitioner's name was not mentioned in the FIR and A2 were already arrested and released on bail by the learned Judicial Magistrate, Ramanathapuram. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl. side) strongly opposed this petition stating that the property is not yet recovered and the petitioner is having nine previous cases, out of which, three cases were already disposed of and the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the nature of offence and the co-accused have already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.3,000/- (Rupees Three Thousand only)** to the **Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040]**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.I, Ramanathapuram.

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 No.I, Ramanathapuram, 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 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.

sj i

TO

1.THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3.THE INSPECTOR OF POLICE,
THIRUPULANI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18488 of 2022
Date :18/10/2022

RK/SSS/SAR-1 (01/11/2022) 3P/6C