



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/11/2022

PRESENT

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

CRL OP(MD). No.19583 of 2022

M.Gopalakrishnan

... Petitioner/Unnamed Accused

Vs

The State Rep.by
The Inspector of Police,
Srirangam Police Station,
Trichy City,
Trichy District.
(In Crime No.1109 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Yamuna R,
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.1109 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 392 of IPC, in Cr.No.1109 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 02.12.2021, the petitioner along with other accused, way laid the defacto complainant and snatched a sum of Rs.500/- and a cell phone. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was not present in the scene of occurrence and also the petitioner's name was not mentioned in the FIR. The co-accused was already granted anticipatory bail by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) appearing before the respondent police strongly opposed to grant of anticipatory bail to the petitioner on the ground that the petitioner is having 6 previous cases in similar nature and the property has not been recovered so far. The petitioner is a habitual offender and he was detained under Goondas Act. Subsequently, detention order was quashed by this Court. He would further submit that based on the confession statement of the co-accused, this petitioner has been implicated in this case. 4 witnesses have been examined and major part of the investigation is over.

5.Considering the facts and circumstances of the case and also considering the facts that 4 witnesses have been examined, the major part of the investigation is over and the co-accused was already granted anticipatory bail by this Court, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Srirangam, Trichy District, 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;



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



sd/-
07/11/2022

/ TRUE COPY /

/11/2022

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

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
SRIRANGAM TRICHY DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
SRIRANGAM POLICE STATION, TRICHY CITY,
TRICHY DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19583 of 2022
Date :07/11/2022

DSS
MK/BUC/SAR 2/17.11.2022/3P/5C