



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.18538 of 2022

Kamal Batcha @ Settu

... Petitioner/Accused no.1

Vs

The State represented by
The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur District.
(Crime No.733 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Selvakumar V,
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.733 of 2022 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 offences punishable under Sections 294(b),
352, 506(ii) and 379 of I.P.C, seeks anticipatory bail.

2.The case of the prosecution is that on 15.09.2022, one Settu
@ Kamal batcha and Thennur Kalaivanan came to the sticker shop run
by Karthi, which is adjacent to the shop of the defacto complainant
and they parked their vehicle in front of the defacto complainant's
shop. When the same was questioned by the defacto complainant, they
threatened him. On the said date, at about 4.00 p.m, the said
Settu @ Kamal batcha contacted the defacto complainant through phone
and met him at Kumbakonam Sasthra College. When the defacto
complainant went to the spot, the petitioner and other accused
in filthy language, attacked him with hands and



threatened him with dire consequences. At that time, the petitioner herein pulled his 2 ½ sovereigns of gold chain and thrown out and also snatched his cell phone and money. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that in this case, the co-accused were arrested and thereafter, released on bail and the petitioner shall abide any condition imposed by this Court. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (crl.side) appearing for the respondent police would submit that no previous case is pending against the petitioner and the co-accused were arrested and thereafter, released on bail. He would further submit that the properties have not been recovered and the investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the co-accused were released on bail and the petitioner is not having any bad antecedents, 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.I, Kumbakonam, 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 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/-

19/10/2022

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/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
KUMBAKONAM EAST POLICE STATION, THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.18538 of 2022

Date :19/10/2022

SS/GB/SAR I/02/11/2022/ 3P 5C