



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/11/2022

PRESENT

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

CRL OP(MD). No.20076 of 2022

Maharajan

... Petitioner/Accused

Vs

The State Rep.by
The Inspector of Police,
South Thamarikulam Police Station,
Kanyakumari District
(Crime No.155 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Ramu M,
Advocate.

For Respondent : Mr.M. Veeranthiran
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.155 of 2022 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 offences punishable under Sections
294(b), 323, 341, 394 and 506(ii) IPC in Cr.No.155 of 2022, seeks
anticipatory bail.

2.The case of the prosecution is that petitioner and other
accused have attacked the de facto complainant and taken away the
jewels worth about Rs.2,70,000/- and also threatened him with dire
consequences. Hence, complaint.

3. The learned counsel for the petitioner would submit that
petitioner is innocent and he has not committed any offence as
alleged by the prosecution and his name has been falsely implicated

<https://www.mhc.in/cases>



4.The learned Government Advocate(Crl.Side) would submit that the the petitioner has attacked the defacto complainant and taken away 9 sovereign of jewels worth about Rs.2,70,000/-. He would further submit that the co-accused have already released on bail and the injured was discharged from the hospital. He would further submit that the petitioner is having two previous cases and the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and that the co-accused have already released 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nagercoil -3, 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 is directed to deposit a sum of (*) **Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.155 of 2022** before the concerned Court without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

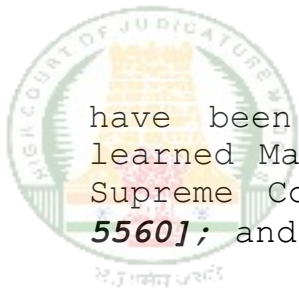
(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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. 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/11/2022

(*) AMENDED AS PER ORDER OF THIS COURT DATED 05.12.2022 IN CRL MP (MD) NOS.15136 AND 15137 OF 2022 IN CRL OP(MD) NO.20076 OF 2022.

TIME IS EXTENDED FOR A PERIOD OF TWO WEEKS.

/ TRUE COPY /

/12/2022

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

TRP

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 14/11/2022 ALREADY DESPATCHED

1. The Judicial Magistrate, Nagercoil -3.
2. -do-Through The Chief Judicial Magistrate, Kanyakumari District.
3. The Inspector of Police, South Thamarikulam Police Station, Kanyakumari District
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.M.RAMU, Advocate SR-14413,14414

ORDER

IN

CRL OP(MD) No.20076 of 2022

Date :14/11/2022

RD/SSS/SAR-II(23/11/2022) 3P 6C

RK/VR/SAR-IV(08.12.2022) 3P/7C

<https://www.mhc.tn.gov.in/judis>