



WEB COPY

CRL OP(MD). A



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/12/2022
PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21152 of 2022

Jeyakumar

... Petitioner/Accused/
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District
(In Crime No.371 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Kumar T,
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.371 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 Section 392 IPC in Crime No.371 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 10.11.2022 on instructions of his cousin, the defacto complainant has received a sum of Rs.9,00,000/- from one Islam and while he was coming back at 12.30 p.m., near Kalaiyarkoil road, he had stopped the vehicle for attending a nature's call and at that time, the petitioner and other accused had come in the two wheeler and broke open the box of two wheeler of the defacto complainant and had taken away a cash and one of persons was known viz., Ramamoorthi to him and the other persons were not known to him and that the accused persons left the mobile phone. Therefore, the complaint has been given a complaint on 12.11.2022 based on which a case registered against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any

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



offence as alleged by the prosecution and his names has been implicated in this case. He would further submit that the occurrence is stated to have happened on 10.11.2022, but the complaint has been given only on 12.12.2022 after a delay of two days. He further contended that earlier the petitioner has filed a petition in CrI.O.P(MD).No.20290 of 2022 in crime number not known stage and at that time, it was represented by the respondent that a case has been registered against the petitioner and that the said petition was withdrawn by him and thereby, the present petition has been filed. He further submitted that as per the confession statement of main accused the petitioner herein is arrayed as accused and there is no specific averments as against the petitioner and other than the confession there is no other materials to implicate him in the offence and hence, seeks anticipatory bail.

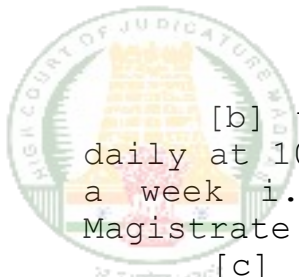
4.The learned Government Advocate (CrI. Side) appearing for the respondent would submit that the petitioner along with one Ramamoorthi waylaid the defacto complainant and robbed the amount of Rs.9,00,000/-. He would further submit that part of the amount has been recovered and the balance amount is yet to be recovered and the petitioner herein is arrayed as accused based on the confession of A4 and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. On perusal of the materials available it is seen that a confession statement is alleged to have been recorded from A4. As per the said A4 - Ramamoorthy, he has given a sum of Rs.10,000/- to the petitioner to be handed over to another person for accompanying him. Except the above said allegation, there is no other allegation against the petitioner. Further, the complaint has been lodged with a delay of two days.

6. Taking into consideration the facts and circumstances and that the petitioner has no bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 on which the order copy made ready, before the learned Judicial Magistrate No.I, Sivagangai, Sivagangai District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (one should be father or mother of the petitioner) each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 verify their identity.



[b] the petitioner shall appear before the responder daily at 10.30 am for a period of four weeks and thereafter, once in a week i.e., every Monday at 10.30 a.m.,, before the Judicial Magistrate No.I, Sivagangai 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

12/12/2022

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/12/2022

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

TRP

TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.KUMAR T Advocate SR.No.14396

ORDER

IN

CRL OP(MD) No.21152 of 2022

Date :12/12/2022

SA/SSS/SAR.1/23.12.2022/3P/6C