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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2022

PRESENT

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

CRL OP(MD). No.20876 of 2022

(*)Balasubramanian

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
South Thamaraikulam 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 :-

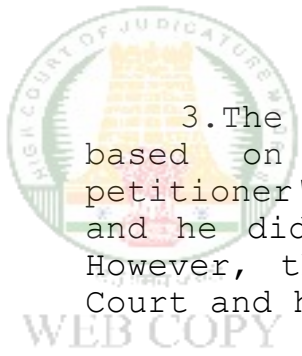
For Anticipatory Bail in Crime No.155 of 2022 on the file of the Respondent Police.

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 341, 294(b), 394 and 506(ii) of I.P.C, in Crime No.155 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 30.09.2022, when the defacto complainant was returning to home, after completing bank work, the accused persons have prevented him and abused him by using filthy language and taken the gold chain by causing injury. Thereafter, the alleged accused persons went away. Hence, the complaint.

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



3.The learned counsel for the petitioner would submit at based on the confession statement of the co-accused, the petitioner's name has been implicated in this case. He is innocent and he did not commit any offence as alleged by the prosecution. However, the petitioner shall abide any condition imposed by this Court and hence, he may be granted anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner and other accused have attacked the defacto complainant and taken away nine sovereign of jewels worth about Rs.2,70,000/-. He would further submit that the co-accused have already released on bail and anticipatory bail and the injured has been discharged from the hospital. Further, properties have not been recovered and the investigation of the case is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was discharged from the hospital and that the co-accused have already released on bail and anticipatory 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 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.III, Nagercoil, Kanyakumari 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 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 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 229-A IPC.

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Sd/-
25/11/2022

**(*)AMENDED AS PER ORDER OF THIS COURT
DATED 09.12.2022 IN CRL MP(MD)NO.15292 OF
2022 IN CRL OP(MD)NO.20876 OF 2022.**

**TIME IS ALSO EXTENDED FOR A PERIOD OF TWO
WEEKS, FROM THE DATE ON WHICH THE ORDER
COPY IS MADE READY.**

/ TRUE COPY /

12/12/2022
Sub-Assistant Registrar (C.S)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 25/11/2022 ALREADY DESPATCHED

1. THE JUDICIAL MAGISTRATE NO.III
NAGERCOIL, KANYAKUMARI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
SOUTH THAMARAikulam POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAMU M Advocate SR.No.14589(I)

ORDER
IN
CRL OP(MD) No.20876 of 2022
Date :25/11/2022

SP/BUC/SAR I/02/12/2022/3P/6C
PNM
PKP/SSS/SAR- /12.12.2022/3P/6C
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