



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.21143 of 2022

M.Kubenthiran(Oottayan) @ Kubendran ... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Veerapandi Police Station,
Theni District.
Crime No.362 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Dinesh K,
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.362 of 2022 on the file of the Respondent Police.

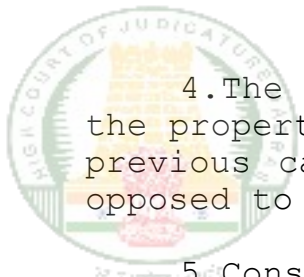
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448, 379 and 511 of IPC, in Cr.No.362 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 23.10.2022, when the defacto complainant was in her house alone, the petitioner said to have trespassed into the house and snatched the 5 sovereign of gold chain from her neck. At that time, she raised alarum. On hearing her noise, people from the neighbourhood came to the occurrence place and tried to catch him. In that process, he thrown away the gold chain and escaped from the place of occurrence. 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. However he is ready to abide any condition imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

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



4.The learned Government Advocate (Crl.Side) would submit that the property was recovered. But, however, the petitioner is having 1 previous case and the investigation 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 fact that the property was recovered, 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 Court, Theni, 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;

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

sd/-

30/11/2022

/ TRUE COPY /

/12/2022

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, 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

WEB COPY

- 1 THE JUDICIAL MAGISTRATE
THENI.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
VEERAPANDI POLICE STATION, THENI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.DINESH, Advocate (SR-14258[I] dated 02/12/2022)

ORDER
IN
CRL OP(MD) No.21143 of 2022
Date :30/11/2022

DSS

MK/VR/SAR III/07.12.2022/3P/6C