



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/12/2022

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PRESENT

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

CRL OP(MD). No.21611 of 2022

Gubendran,

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Mayanoor Police Station,
Karur District.
(Cr No.383/2022).

... Respondent/Complainant

For Petitioner : M/s.Santhanam Rajesh Kumar B, Advocate.

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

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

PRAYER :-

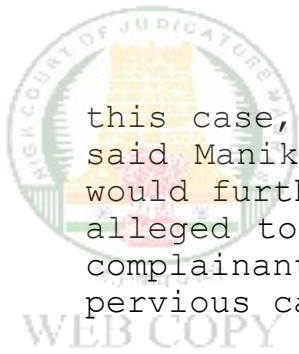
For Anticipatory Bail in Cr No.383/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 387 and 506(ii) IPC in Crime No.383 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Sundaram, is that while he was returning from the market, the accused have threatened him with knife point and have robbed an amount of Rs.1,000/- from him and they also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner/A2 is an innocent person and he has been falsely roped in in



this case, since he happens to be the friend of one Manikandan, he said Manikandan against whom, there are several previous cases. He would further submit that the said Manikandan is the person, who was alleged to have in possession of knife and threatened the de-facto complainant. As far as the petitioner is concerned, there is no previous case against him. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioner along with one A1 threatened the de-fact complainant with knife point and robbed an amount of Rs.1000/- from him and he opposed for grant of anticipatory bail to him. However, he would submit that A1 was already arrested and still in judicial custody and as far as the petitioner is concerned, there is no previous case against him.

5.Heard. Perused the materials available on record.

6.Taking into consideration the facts and the submissions made by both the counsels and that there is no previous case as against the petitioner, 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 District Munsif cum Judicial Magistrate Court, Krishnarayapuram, Karur District, on condition that the petitioner shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (in which one should be either the father or mother) each for a like sum to the satisfaction of the learned Magistrate concerned 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 ensure their identity.

[b] the petitioner shall report before the respondent police daily evening at 06.30 p.m., 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/-
07/12/2022

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/12/2022

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

TO

- 1 THE DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE,
KRISHNARAYAPURAM,
KARUR DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
MAYANOR POLICE STATION,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.SANTHANAM RAJESH KUMAR, Advocate (SR-14539[I] dated 08/12/2022)

ORDER
IN
CRL OP(MD) No.21611 of 2022
Date :07/12/2022

sj i
PKP/BUC/SAR-2/19.12.2022/3P/6C