



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/12/2022

PRESENT



WEB COPY

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

CRL OP(MD) . No.22307 of 2022

C.Prabhu

... Petitioner/Accused No.8

Vs

The State Rep.by
The Inspector of Police,
Thalayuthu Police Station,
Tirunelveli District.
Crime No.205 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Jeyakumaran J,
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.205 of 2020 on the file of the Respondent Police.

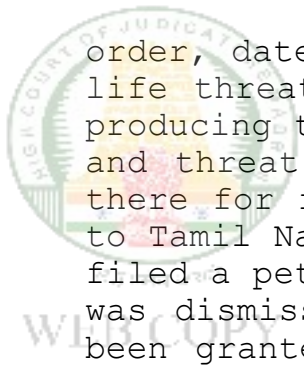
ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 342, 506(ii), 364(A), 420 of I.P.C, in Crime No.205 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the accused persons conspired together and cheated the defacto complainant's son viz., Mohamed Azarudeen by tendering counterfeit currency notes as original and using the same, they looted a sum of Rs.1,05,000/- from him. Later, the accused persons abducted the said Mohamed Azarudeen. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The petitioner name was not found in the FIR and he was implicated as an accused, during the course of investigation. The petitioner along with one Kannan, who is the co-accused, had got anticipatory bail before the District Judge, Tirunelveli, as per the

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



order, dated 01.09.2020 made in CrI.MP.No.4734 of 2020. The petitioner is facing a life threat for both the petitioner and the said Kannan as they are producing the sureties, the said Kannan was murdered and due to fear and threat to his life, the petitioner went to Kerala and settled there for few years. Due to Covid-19, he was unable to return back to Tamil Nadu. Again, seeking anticipatory bail, the petitioner had filed a petition before the District Court, Tirunelveli and the same was dismissed. Further, it is submitted that the co-accused has been granted anticipatory bail by this Court in CrI.OP(MD)No.11259 of 2020, dated 13.10.2020 and a major part of the investigation has already been completed and the charge sheet is yet to be filed. The petitioner is ready to abide by any of the stringent conditions imposed by this Court. Since he is facing life threat, he may be permitted to appear before any other Police Station, other than the respondent. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (CrI.Side) submitted that though the petitioner was already granted anticipatory bail by the District Court, Tirunelveli and without complying with the condition stipulated therein, he has absconded and filed an another application, which was also dismissed. However, he would concede that the co-accused were already enlarged on bail. In this case, investigation is not yet completed. Hence, prays to dismiss the petition.

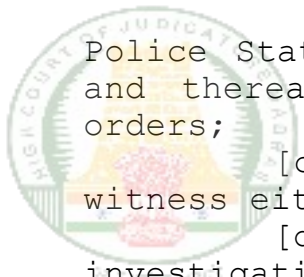
5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and 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 No.III, Tirunelveli**, 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 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 ensure their identity.

[b] the petitioner shall report before the Kazhugumalai



Police Station everyday at 10.30 a.m., for a period of four weeks and thereafter, on every Saturday 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]**; and;

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

sd/-

16/12/2022

/ TRUE COPY /

/01/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THALAYUTHU POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
KAZHUGUMALAI POLICE STATION,

THOOTHUKUDI DISTRICT.+1 CC to M/s.JEYAKUMARAN J, Advocate (SR-15032
[I] dated 16/12/2022)

ORDER

IN

CRL OP(MD) No.22307 of 2022

Date :16/12/2022

PNM

MK/MMS/SAR /29.12.2022/3P/7C