



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/12/2022

WEB COPY

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA

CRL OP(MD). No.23259 of 2022

Thangapandi ... Petitioner/Accused Rank not known

Vs

The State rep.by,
The Inspector of Police,
Samayanallur Police Station,
Madurai District,
(Crime No.240 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Ponkarthikeyan.R,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.240 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 offence punishable under Section 394 of IPC, in Cr.No.240 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 11.12.2022, at about 11.00 p.m, when the defacto complainant proceeding towards his home, 2 unknown persons waylaid him and demanded money. When the same was refused, they said to have assaulted him and robbed a sum of Rs.3,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that recovery



was made only from A1. Based upon the confession statement, the petitioner was implicated in this case. Further, the injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that A1 was already arrested and still in custody. He would further submit that robbed money was recovered and the injured was discharged from the hospital.

5. Considering the facts and circumstances of the case and also considering the facts that the injured was discharged from the hospital and robbed money was recovered from the accused, 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, Vadipatti, 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/-
28/12/2022

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29/12/2022

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

dss

TO

1. THE JUDICIAL MAGISTRATE, VADIPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-15620[I] dated
28/12/2022)

ORDER
IN
CRL OP(MD) No.23259 of 2022
Date :28/12/2022

RK/GB/SAR-3 (29/12/2022) 3P/6C