



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.1214 of 2023

WEB COPY

Vivek @ Elanthamilan

...Petitioner/Accused No.3

-vs-

The State represented by
The Inspector of Police,
Thanjavur Taluk Police Station,
Thanjavur District.
(in Cr.No.1316 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.1316 of 2022.

For Petitioner
For Respondent

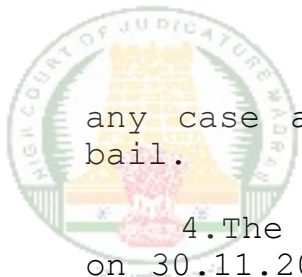
: Mr.C.Senthil Murugan, Advocate
: Mr.P.Kottai Chamy,
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Section 392 IPC in Crime No.1316 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 30.11.2022, while the de-facto complainant had given lift to the petitioner and other accused, they have snatched his mobile and his two wheeler. The further allegation is that on 01.12.2022, when the de-facto complainant along with his father approached the fourth accused for return of mobile phone and the two wheeler, he demanded a sum of Rs.1,00,000/- from them. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that there was a quarrel with regard to the parking of a vehicle in front of the house of the petitioner and due to which, a false complaint has been given. He would further submit that the arrested accused have been enlarged on bail and as far as the petitioner is concerned, he has got one previous case, which is of Cr.No.15 and for the past 7 years, the petitioner does not have



any case against him and thereby, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that on 30.11.2022, while the de-facto complainant had given lift to the petitioner and other accused, they have snatched his mobile and his two wheeler and demanded a sum of Rs.1,00,000/- from them. He would also submit that the petitioner has got one previous case and he would oppose for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Thanjavur, 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 respondent police everyday at 10.30 a.m. and 05.30 pm 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/-

23/01/2023

/ TRUE COPY /

/01/2023

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



TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.
- 2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.
- 3 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SENTHIL MURUGAN.C Advocate SR.No.1141(I)

ORDER
IN
CRL OP(MD) No.1214 of 2023
Date :23/01/2023

VA/MMS/SAR-1/31.01.2023/3P/6C