



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2023

PRESENT

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

CRL OP(MD) . No.3951 of 2023

Vasanth Sairam,

... Petitioner/Accused Rank Not known

Vs

The state represented by
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
in Crime No.90/2023..

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C, Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

For Anticipatory Bail in Crime No.90/2023 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 offences punishable under section 393
of I.P.C., in Crime No. 90 of 2023 on the file of the respondent
police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant
is that while the defacto complainant was going for walking near his
area some unknown persons came from behind and tried to snatch his
gold chain. The defacto complainant caught hold of his chain so
the accused persons were not unable to snatch the chain. Since the
defacto complainant shouted for help some persons nearby rushed to
the spot and so the accused persons ran away from the spot, hence



3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner has completed B.Com, during the year 2019 and he is married very recently and his wife is also pregnant. He would further submit that the petitioner is engaged in the business of money lending and he is unnecessarily roped in this case. He would also submit that no previous case is pending against the petitioner, hence he seeks bail.

4. The learned Government Advocate (Cri.Side) appearing for the respondent would submit that while the defacto complainant was going for walking near his area some unknown persons came from behind and tried to snatch his gold chain of the defacto complainant, hence he objected to grant bail to the petitioner. He would further submit that no previous case is pending against the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and also the fact that no previous case is pending against the petitioner this court is inclined to grant anticipatory bail to the petitioner , with certain conditions:

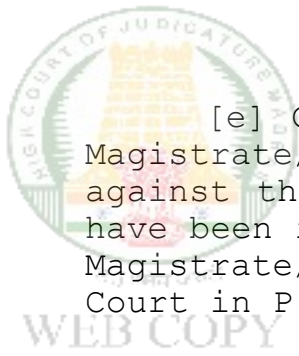
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Kumbakonam on condition that the petitioner shall execute a bond for 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, daily at 10.30 a.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 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/-
03/03/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE JUDICIAL MAGISTRATE,
KUMBAKONAM
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3951 of 2023
Date :03/03/2023

PKP/VRS/SAR-3/(10.03.2023)/ 3P/ 5C