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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9120 of 2023

Muthamizhselvan

... Petitioner/Accused No.4

Vs

The State represented by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.43 of 2023)

... Respondent/Complainant

For Petitioner : Mr.Balaji.A,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.43 of 2023 on the file of the Respondent Police,

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 387 of IPC in Crime No.43 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 11.02.2023, around 05.00 pm, when the defacto complainant went to Melaramanadi Village by his two wheeler to deliver the courier parcels, the accused 1 and 2 along with unidentified persons waylaid him and damaged the courier parcels worth about Rs.20,000/-. They snatched the his mobile and a mobile parcel worth about Rs.10,000/- at knife point. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the fourth accused in this case. He would further submit that only based on the confession made by some persons



arrested by the respondent Police, the petitioner is implicated in this case. The petitioner is an innocent person and he is no way connected with the alleged offence.

4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioner is having seven previous cases, out of which, five cases are pending trial.

5. Considering the facts and circumstances of this case and the fact that the petitioner is implicated only based on the confession made by the persons arrested by the respondent Police, 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 Judicial Magistrate, Kamuthi 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am. and 05.00 pm., for a period of three months and thereafter, as and when required for interrogation.

(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/-

18/05/2023

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/05/2023

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



TO

1 THE JUDICIAL MAGISTRATE
KAMUTHI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.BALAJI, Advocate (SR-7559[I] dated 18/05/2023)

ORDER

IN

CRL OP(MD) No.9120 of 2023

Date :18/05/2023

SS/24/05/2023/3P/6C