



CRL OP(MD). No.18818 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.18818 of 2023

Muthukaruppasamy

... Petitioner / Accused No.4

Vs

State through
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Crime.No.234/2023.)

... Respondent / Complainant

For Petitioner : M/s. Marees Kumar.E, Advocate.
For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 234/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-



CRL OP(MD). No.18818 of 2023

WEB COPY

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 387 and 506(2) IPC in Crime No.234 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein and other accused have stopped the defacto complainant with deadly weapons and take out a sum of Rs.350/- from the pocket of the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and hence, seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the the petitioner herein and other accused said to have stopped the defacto complainant with deadly weapons and take out a sum of Rs.350/- from the pocket of the defacto complainant and the petitioner herein is having one previous case in Crime No.235 of 2023. He would further submit that the investigation of the case is pending.

5. On perusal of the FIR, it is noticed that it is a case of robbery.

6. Considering the nature of allegations made against the petitioner and also considering the period of incarceration and also taking into consideration of the



CRL OP(MD). No.18818 of 2023

principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. In view of the above, I am inclined to grant anticipatory bail to the petitioner. 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, Sivakasi, 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 likesum 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 conditions that :

[a] the petitioner shall affix his photograph 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 appear before the respondent police daily at 10.30 am until further ordres.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



CRL OP(MD). No.18818 of 2023

[d] the petitioner shall not abscond either during investigation or trial.

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[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/-
30/10/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

1.The Judicial Magistrate No.II,
Sivakasi.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.



CRL OP(MD). No.18818 of 2023

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.E.MAREESKUMAR, Advocate (SR-15697[I] dated 31/10/2023)

ORDER
IN
CRL OP(MD) No.18818 of 2023
Date :30/10/2023

ED/VRS /SAR- (03/11/2023) 5P / 6C

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