



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 10/01/2023

PRESENT

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

CRL OP(MD). No.518 of 2023

Kumaresan

... Petitioner/Accused  
(Rank not known)

Vs.

The State rep.by  
The Inspector of Police,  
Papanadu Police Station,  
Thanjavur District.  
(Crime No.532/2022).

... Respondent/Complainant

For Petitioner : M/s. Murugesan.D.R,  
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.532 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 offences punishable under Sections 341, 366, 379, 323, 506(ii) and 354 of I.P.C. r/w Section 4 of TNWH Act r/w 66 (E) IT Act 2000 in Crime No.532 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Anitha is that she is running a physiotherapy clinic at Orathanadu and she used to go to the clinic in her Two Wheeler and on 11.07.2022, while she was going in her Two Wheeler, 4 persons kidnapped her and took her in a Car and robbed a Earring weighing 2 gms, a Ring weighing 2 gms and a sum of Rs.1000/-, ID Cards, Cell Phone RED MI 910 and Sim Card No.7639272390. Hence, the complaint.



3. The learned counsel for the petitioner would submit the petitioner is innocent and he has been roped in this case based on the confession recorded from the other accused. He would further submit that the petitioner has given his Car to other accused without knowing their criminal intention. He would also submit that this is second application for anticipatory bail and the earlier application for anticipatory bail in Crl.O.P.No.14676 of 2022 was dismissed on 16.08.2022 on the ground that the petitioner was not arrayed as accused in the First Information Report at that stage. Now based on the confession, the respondent police has attempted to apprehend the petitioner and thereby the petitioner would seek for anticipatory bail.

4. The learned Additional Public Prosecutor(Cri.Side) appearing for the respondent would submit that the petitioner along with other accused had kidnapped the defact complainant and robbed a Earring weighing 2 gms, a Ring weighing 2 gms and a sum of Rs.1000/-, ID Cards, Cell Phone RED MI 910 and Sim Card No.7639272390. However, he would concede that the petitioner was not present in the scene of occurrence and he has been implicated in this case on the basis of the confession given by the arrested accused and they have been subsequently enlarged on bail.

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, 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, Orathanadu, 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 petitioners shall report before the respondent Police, daily at 10.30 a.m. until further orders.

[c] the petitioners shall not tamper with evidence or witness  
<https://www.court.gov.in/> during investigation or trial.



[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-  
10/01/2023

/ TRUE COPY /

/01/2023

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

cm

TO

1.THE JUDICIAL MAGISTRATE, ORATHANADU.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR.

3 THE INSPECTOR OF POLICE,  
PAPANADU POLICE STATION,  
THANJAVUR DISTRICT.

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

+1 CC to M/s.MURUGESAN.D.R , Advocate ( SR-462[I] dated 10/01/2023 )

ORDER  
IN  
CRL OP(MD) No.518 of 2023  
Date :10/01/2023

RK/MMS/SAR-4 (24/01/2023) 3P/6C