



CRL OP(MD). No.9237 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9237 of 2024

K Kabeshkanna,

... Petitioner/ Accused No.5

Vs

The State rep.by
The Sub Inspector of Police,
Checkanurai Police Station,
Madurai District.
(Cr.No.168 of 2024.

... Respondent/Complainant

For Petitioner : M/s.S.Vikram,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.168 of 2024 on the file of the respondent police.



CRL OP(MD). No.9237 of 2024

ORDER : The Court made the following order :-

The petitioner/ A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448, 427 & 394 of IPC, in Cr.No.168 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and one Parameshwaran are working as sales man in the TASMACH Shop near Kinnimangalam. On 28.04.2024, at about 10.30 p.m, the petitioner along with other accused are said to have trespassed into the shop and snatched the amount of Rs.2500/- from the pocket of the defacto complainant and Rs.3,000/- from the pocket of Parameshwaran by attacking and threatening them and also took away 193 numbers of liquor bottles worth about Rs.44,200/- & Rs.2,900/-, which was kept inside of the shop. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A1 to A4 were arrested and subsequently, released on bail by the lower Court. Hence, he prays for anticipatory bail.



CRL OP(MD). No.9237 of 2024

WEB COPY

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is having 4 previous cases. Among them, 1 case is similar in nature. Further, the investigation in this case is not yet completed. However, he fairly conceded that the co-accused A1 to A4 were arrested and subsequently, released on bail.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused were released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Claretian Mercy Home, Azhagusirai, Ponnammangalam (post) Thirumangalam Taluk, Madurai District, Union Bank of India, Kochadai Account No. 493902010319538, IFSC Code No. UBIN 0549398) (Phone Nos. 04549-294901 & 8098672866), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.II, Usilampatti.



CRL OP(MD). No.9237 of 2024

WEB COPY

7. On production of such receipt, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Usilampatti, 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 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 am for a period of three weeks and thereafter, as and when required for interrogation;

(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



CRL OP(MD). No.9237 of 2024

Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/07/2024

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/07/2024

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

TO

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

COPY TO:

THE OFFICER INCHARGE,
CLARETIAN MERCY HOME,
AZHAGUSIRAI,
PONNAMANGALAM (POST),
THIRUMANGALAM TALUK,
MADURAI DISTRICT.



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CRL OP(MD). No.9237 of 2024

ORDER
IN
CRL OP(MD) No.9237 of 2024
Date :12/07/2024

SI/VR/ **/(25.07.2024) 6P/ 6C**

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.