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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.19043 of 2024

Manivel

... Petitioner / Accused No.13

Vs

The State of Tamil Nadu

Represented by the Inspector of Police,

Vadipatti Police Station,

Madurai District.

(Crime No.152 of 2024)

... Respondent/Complainant

For Petitioner : M/s.R.Narayanan,
Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.152/2024 on the file of the respondent police.

<https://www.mhc.tn.gov.in/judis>



ORDER : The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 387, 506(2) of IPC and now altered to Sections 120(b), 392, 148 and 149 of IPC, in Crime No.152 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is involved in the business of taking pledged gold ornaments on auction sale. A1 is said to have contacted the defacto complainant and made him to come to a particular place on the premise that he wants some financial assistance to redeem the jewels which he had pawned. On 20.05.2024, the defacto complainant along with 2 others brought cash along with them based on the request made by A1. In the meantime, the accused persons conspired, and when the car in which the de-facto complainant was traveling reached Vadipatti, the accused persons stopped the vehicle and threatened the defacto complainant and 2 others and took away cash of Rs.13,50,000/- and also the mobile phone of the defacto complainant. That apart, they also took away cash of Rs.6,00,000/- from one Siva, who was travelling along with defacto complainant and the mobile phone of the other person namely Prabakaran was also taken away. There are totally 13 accused persons in this case and the petitioner has been arrayed as A13.



3. Heard the learned counsel on either side and perused the material records of the case.

4. The learned counsel for the petitioner submitted that the false case has been foisted against the petitioner and the petitioner had nothing to do with the alleged offences.

5. Per contra, the learned Government Advocate (Criminal Side), on instructions, submitted that the petitioner was arrayed as an accused based on the confession of the other accused and some amount was also transferred to the petitioner by the other accused persons. He further submitted that there are no previous cases against the petitioner.

6. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner has been roped in this case based on the confession of the other accused persons and taking into consideration the fact that there are no previous cases against petitioner, no custodial interrogation may be required in this case and hence, 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 Court, Vadipatti, 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. for a period 2 weeks and thereafter, on every Friday at 5.30 p.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 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.

/ TRUE COPY /

sd/-
06/11/2024

/11/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
VADIPATTI.
 - 2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
 - 3 THE INSPECTOR OF POLICE,
VADIPATTI POLICE STATION, MADURAI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.R.NARAYANAN Advocate SR.No.13651

ORDER
IN
CRL OP(MD) No.19043 of 2024
Date :06/11/2024

MGJ(23.11.2024) 5P 6C