

**In the Court of the Principal District Judge, Madurai.**

**Present : Tmt.A. Nazeema Banu, B.A., L.L.M.,**

**Principal District Judge, Madurai.**

**Friday, this the 21<sup>st</sup> day of August -2020.**

**CrI.M.P.No.3772/2020,3773/2020 & 3774/2020**

Mavu Surya @ Suryaprakash, S/o.S.Sivakumar ... Petitioner/Accused.  
In CrI.M.P.No.3772/2020,3773/2020  
& 3774/2020.

**Vs**

State through the Inspector of Police, Avaniapuram P.S. Cr.No.645/2020	... Respondent/Complainant. In CrI.M.P.No.3772/2020
State through the Inspector of Police, Avaniapuram P.S. Cr.No.661/2020	... Respondent/Complainant. In CrI.M.P.No.3773/2020
State through the Inspector of Police, Avaniapuram P.S. Cr.No.174/2020	... Respondent/Complainant. In CrI.M.P.No.3774/2020

These petitions taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.A.Gandhinathan, Advocate for the petitioner in all petitions and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

**Order**

1. Anticipatory Bail applications u/s. 438 of Cr.p.c.
2. In Cr.M.P.Nos.3772/2020 & 3773/2020, the offences alleged are U/s. 379 r/w. 109 of IPC.
3. In Cr.M.P.No.3774/2020, the offences alleged are U/s. 379 and 511 of IPC.
3. Heard.

4. Considered the argument of the both sides. The learned counsel for the petitioner in Cr.M.P.Nos.3772/2020, 3773/2020 & 3774/2020 would submit that the respondent police has registered the following cases against accused in Cr.Nos.645/2020, 661/2020 & 174/2020 U/Sec. 379 r/w. 109 of IPC. & 379 and 511 of IPC. The date of occurrence was on 17.4.2020, 16.4.2020 & 9.2.2020 respectively. The petitioner is a college student and he has not committed any offence as alleged by the prosecution. The properties have been recovered in all the case on the basis of the confession statement of the co-accused. False case foisted against the petitioner and prays to grant anticipatory bail to the petitioner in Cr.M.P.Nos.3772/2020, 3773/2020 & 3774/2020.

5. The learned public prosecutor while advancing his argument has submitted that the petitioner survived the area for committing the offence of theft. The petitioner has involved in 3 cases, out of them, in one case he was attempted to snatch the gold chain from the defacto complainant and the defacto complainant caught hold the gold chain and the accused has left the defacto complainant. Hence, the defacto complainant sustained injuries. In two cases, gold chains snatched by the accused. He raised strong objection in granting anticipatory bail to the petitioner. The respondent police has not taken any steps to arrest the petitioner after lapse of 4 months / 6 months. This is the 2<sup>nd</sup> anticipatory bail application. The stolen properties were recovered through the confession statement of the co-accused. The investigation is almost over. Therefore, considering the above facts, this court is inclined to grant anticipatory bail to the petitioner Cr.M.P.Nos.3772/2020, 3773/2020 & 3774/2020 on condition.

6. 8. In the result, in the event of arrest or on his surrender before the Court concerned, the petitioner in Cr.M.P.Nos.3772/2020, 3773/2020 & 3774/2020 is ordered to be enlarged on anticipatory bail on his executing own bond for a sum of Rs.10,000/- to the satisfaction of the Judicial Magistrate concerned subject to the following conditions:-

(i) After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioner shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders.

(ii) The petitioner shall not tamper with the witness or in any manner interfering with or put obstacle to the smooth progress of interrogation.

(iii) If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate concerned for cancellation of bail order though bail granted by the Sessions Court, as per ruling of the Hon'ble Supreme Court reported in ***P.K. Shaji /Vs./State of Kerala (2005) AIR SC W 5560***. Accordingly, the petition is allowed.

Pronounced by me in Camp Court on the 21<sup>st</sup> day of August -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

**Copy to**

1. The Judicial Magistrate concerned
2. The Inspector of Police, Avaniapuram P.S.
3. The Petitioner through his counsel.