



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

Friday, the Third day of July Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.12360 of 2015

TIRUMALA ASARI

... PETITIONER / ACCUSED NO.2/A2

Vs

STATE REP BY

THE INSPECTOR OF POLICE

SUTHAMALLI POLICE STATION, TIRUNELVELI DISTRICT,

CRIME NO.159/2009

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SATHYA CHIDAMBARAM Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

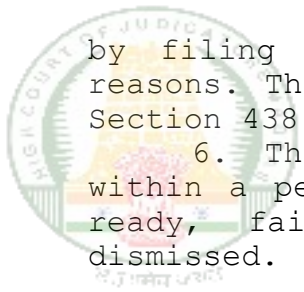
The petitioner, who is arrayed as second accused, in Crime Number 159 of 2009 on the file of the respondent police, apprehends arrest at the hands of the respondent police, in pursuant to the non-bailable warrant issued by the learned Judicial Magistrate, Cheranmahadevi in P.R.C.No.19 of 2009 for the alleged offences punishable under Sections 147, 148, 341, 302, 506(ii) I.P.C r/w 149 I.P.C r/w 34 of I.P.C and 120(b) of I.P.C and Section 3(b) (4(b) and 5 r/w 6 of Explosive Substance Act r/w 120(b) of I.P.C and Section 25(1) (i-10) of Arms Act r/w Section 3(2) (v) of SC/ST (POA) Act, 1989.

2.The learned counsel for the petitioner submitted that the occurrence has taken place in the year 2009 and pending investigation, he was arrested and released on bail. Subsequently, he made appearance before the Trial Court. On 16.04.2015, the petitioner could not appear before the Trial Court. Hence, a non-bailable warrant was issued against him. The learned counsel for the petitioner also submitted that the petitioner is having reasonable apprehension that he may be arrested by the respondent police. He would further submit that the petitioner undertakes to appear before the trial Court on all future hearings.

3.It is submitted by the learned Government Advocate (Crl.side) that the case is pending due to the reason that non-bailable warrant could not be executed against A-4.

4. Considering the submissions made by the learned Government Advocate (Crl.side) and also considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Cheranmahadevi, Tirunelveli District and on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the trial Court on all the dates of hearings except on those days



by filing a petition under Sections 317 Cr.P.C. by assigning valid reasons. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
03/07/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE
CHERANMAHADEVI, TIRUNELVELI
- 2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI
- 3 THE INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION, TIRUNELVELI DT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Sm:AMF:08.07.2015:2P/5C .

ORDER
IN
CRL OP(MD) No.12360 of 2015
Date :03/07/2015