

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

Tuesday, the Twenty Ninth day of September Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.18273 of 2015

P.KALAI KATHIRAVAN

... PETITIONER / ACCUSED NO.6

R.RAMAIYA

... INTERVENER

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
KALLIKUDI POLICE STATION,
MADURAI DISTRICT,
IN P.R.C. NO.10 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.SAMIDURAI Advocate
For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)
For Intervener : MR.D.SASIKUMAR, ADVOCATE

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

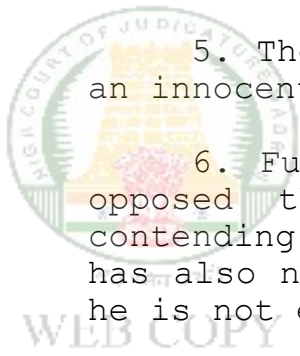
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.6, in P.R.C.No.10 of 2015 on the file of the learned Judicial Magistrate, Tirumangalam apprehends arrest in pursuance of the warrant issued by the learned Judicial Magistrate, Tirumangalam on 30.06.2015 and hence, seeks anticipatory bail for the offences under Sections 304, 302, 120(b), 201, 194, 213 and 450 of the Indian Penal Code.

2. It is seen from the records that that one Ramaiah lodged a complaint. On the basis of the complaint, a case has been registered in Crime No.122 of 2009 for the offences under Sections 380, 302 and 109 of the Indian Penal Code and thereafter, he filed a Writ Petition seeking transfer of the case, which was dismissed by this Court and in a Writ Appeal the order of the Single Judge was confirmed by the Division Bench on 03.09.2014.

3. It is seen that the petitioner, who was working as an Inspector of Police, at that time, filed a charge-sheet against two accused and a police case was committed to the IV-Additional Sessions Judge, Madurai and the same is pending in S.C.No.21 of 2015.

4. Being not satisfied with the investigation, the defacto complainant filed a private complaint before the learned Judicial Magistrate, Tirumangalam against six accused and the petition filed under Section 317 of the Code of Criminal Procedure, 1973 was dismissed by the learned Magistrate and a non-bailable warrant was issued on 17.06.2015.



5. The learned counsel for the petitioner submitted that he is an innocent and he has been falsely implicated in this case.

6. Further, the learned counsel for the Intervenor vehemently opposed the granting of anticipatory bail to the petitioner contending that the petitioner has committed grave offence and he has also not co-operated for completion of the trial and therefore, he is not entitled for anticipatory bail.

7. Heard the learned Government Advocate (Criminal Side).

8. Considering the facts and circumstances of the case this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Tirumangalam and on executing 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 Judge concerned and on further condition that the petitioner shall appear before the trial Court for all hearing dates without fail, except on those days by filing a petition under Section 317 of Cr.P.C, by assigning valid reasons. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

10. 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/-
29/09/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, TIRUMANGALAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUB INSPECTOR OF POLICE
KALLIKUDI POLICE STATION, MADURAI DISTRICT

+1. CC to M/S.K.SAMIDURAI Advocate SR.No.57338

ORDER
IN
CRL OP(MD) No.18273 of 2015
Date : 29/09/2015

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