



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

Tuesday, the Twenty Fourth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4846 of 2015

LINGAPANDI@ GIRI

... PETITIONER / ACCUSED NO.5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DIST.
(CRIME NO. 235 OF 2013)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.PON KARTHIKEYAN Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.235 of 2013, on the file of the respondent police for offence under Sections 147, 148, 387, 323, 324, 427 and 506(ii) IPC, the petitioner is now before this Court seeking Anticipatory Bail.

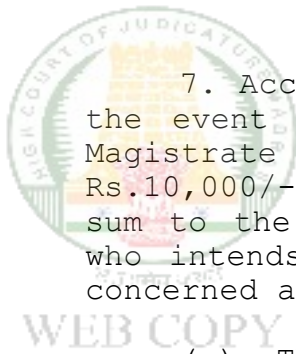
2. This is the second anticipatory bail application and this petitioner was earlier granted anticipatory bail by this Court in Crl.O.P.(MD)No.9430 of 2014 on 22.05.2014 with a direction to the petitioner to appear before the concerned Magistrate within fifteen days from the date of receipt of a copy of this order and furnish sureties.

3. In paragraph No.5 of the earlier order, it is stated as follows:-
"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."

4. The learned counsel for the petitioner submits that the petitioner is working as gunner in the Indian Army and he was posted in North and therefore, he was not able to surrender before the Magistrate and furnish sureties. Since the earlier anticipatory bail had lapsed, he is constrained to file a fresh application.

5. The learned Government Advocate (crl. side) would submit that the petitioner is an Army man.

6. Accepting the explanation offered by the petitioner, I am inclined to grant anticipatory bail to the petitioner, but with conditions.



7. Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Virudhunagar on executing a separate 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 and on further condition that,

(a) The petitioner shall report before the respondent police as and when required.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

sd/-
24/03/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.II,VIRUDHUNAGAR.

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR AT SRIVILLIPUTHUR.

3.THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4.THE INSPECTOR OF POLICE
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+1. CC to M/S.R.PON KARTHIKEYAN Advocate SR.No.14335

ORDER
IN
CRL OP(MD) No.4846 of 2015
Date :24/03/2015

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