



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

Tuesday, the Nineteenth day of July Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.11997 of 2016

WEB COPY

K.SANTHA GUNASEELAN

... PETITIONER / ACCUSED-2

Vs

The State rep.by
THE INSPECTOR OF POLICE
KARIVALAMVANDHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CR. NO.137/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S A.S.VAIGUNTH Advocate

For Respondent : Mr.P.Kannithevan Govt. Advocate (Crl. Side)

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

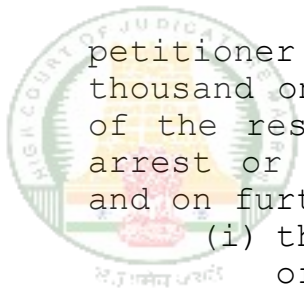
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offences punishable under Section 379(sand theft) of IPC r/w. 21(1), 21(4) of Mines and Minerals Act, in Crime No.137 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Further, the petitioner has already filed Crl.O.P(MD)No.9301 of 2016 for anticipatory bail before this Court and this Court vide order dated 15.06.2016, granted anticipatory bail to him. He could not produce the sureties before the Judicial Magistrate for the reason that after this Court has granted anticipatory bail to the petitioner, the respondent Police has registered another case in Crime No. 180 of 2016 for the very same offence. Hence, the petitioner has come up with the present petition.

3.Heard the learned Government Advocate (Criminal side).

4.Considering the facts and circumstances of the case and also the considering fact that this Court has already granted anticipatory bail to the petitioner vide order dated 15.06.2016 made in Crl.O.P(MD)No.9301 of 2016, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sankarankoil, on condition that the



petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the Inspector of Police, Sankarankoil, Town Police Station daily at 10.00 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-

19/07/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, SANKARANKOIL

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI

3 THE INSPECTOR OF POLICE
KARIVALAMVANDHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S A.S.VAIGUNTH Advocate SR.No.38134

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ORDER

IN

CRL OP(MD) No.11997 of 2016

Date :19/07/2016