



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

Monday, the Twenty Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12819 of 2016

K. VASUDEVAN

... PETITIONERS/ACCUSED NO.4

Vs

STATE REPRESENTED BY ,  
THE INSPECTOR OF POLICE  
CRIME BRANCH C.I.D DINDIGUL,  
DINDIGUL DISTRICT,  
D.C.B CRIME NO. 04 OF 2005

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.HARIHARAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.4 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 203, 209, 218, 219, 419, 420 of I.P.C., in C.C.No.395 of 2012, on the file of the Judicial Magistrate No.I, Dindigul and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner while working as Sub-Inspector of Police in Sanarpatti Police Station filed false final report to help A1 to A3 to claim compensation from the Insurance Company. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the Insurance Company gave complaint only against A1 to A3 and after investigation, the petitioner was arrayed as A4 and another Sub Inspector of Police namely Raman, who is no more now, was arrayed as A5. At that time, when the petitioner registered case, the name of the Van Driver was not known to any of the witnesses of the accident. The petitioner was transferred to Natham Police Station. A5 Raman, Sub-Inspector of Police after investigation filed the final report. He is an innocent person and he has not committed any offence as alleged by the prosecution.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned counsel for the petitioner submitted that the



petitioner was retired from service in the year 2002. No summon was received by the petitioner and therefore, he could not appear before the Court. Non-appearance of the petitioner before learned Judicial Magistrate NO.I, Dindigul is neither willful nor wanton but only due to non-receipt of summons and prayed for granting of anticipatory bail.

5.The learned Government Advocate (Crl.Side) submitted that inspite of the summons received, the petitioner did not appear before the trial Court and hence, Non-Bailable Warrant was issued.

6.Considering the contention of the learned counsel for the petitioner that the petitioner was transferred to other police station and A5 conducted the investigation and filed the final report and the petitioner was retired from service in the year 2002 and the custodial interrogation of the petitioner is not required, 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 No.I, Dindigul, 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:

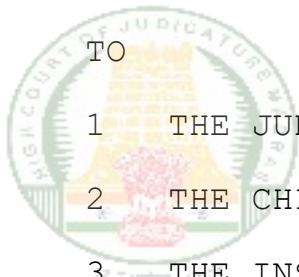
- (i) the petitioner shall appear before the trial court in all future hearings, without fail.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of 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]**.

7.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/-  
29/08/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, DINDIGUL.

2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3 THE INSPECTOR OF POLICE,  
CRIME BRANCH C.I.D DINDIGUL, DINDIGUL DISTRICT.

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

+1. CC to M/S.A.HARIHARAN Advocate SR.No.47901

AM

CSL/CK/SAR-I/09.09.2016: 3P/6C

ORDER

IN

CRL OP(MD) No.12819 of 2016

Date :29/08/2016