



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

Tuesday, the Twentieth day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL OP(MD) No.17711 of 2016

Ì. GANAPATHY

... PETITIONER/5th ACCUSED

Vs

**THE STATE REP.BY THE INSPECTOR OF POLICE
SANARPATTI POLICE STATION,
DINDIGUL TALUK, DINDIGUL DISTRICT,
CR NO. 176 OF 2010 ... RESPONDENT/COMPLAINANT**

For Petitioner : M/S.D.SELVARAJ Advocate

For Respondent : M/S.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

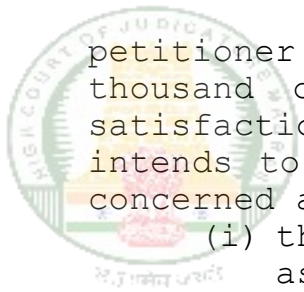
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.5, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 302, 120(b) IPC, in P.R.C.No.30 of 2015 on the file of the learned Judicial Magistrate No.3, Dindigul and hence, seeks anticipatory bail.

2.The learned counsel for the petitioner submitted that on the basis of the confession given by A.3, the petitioner has been falsely implicated in this case and absconding charge-sheet was filed against the petitioner. Only after issuance of summons to appear before the learned Judicial Magistrate No.3, Dindigul, the petitioner came to know about the case filed against him. Hence, the petitioner has come forward with the present petition.

3.The learned Government Advocate (Crl. side) submitted that charge-sheet has already been filed and the same has been taken on file in P.R.C.No.30 of 2015.

4.Considering the facts and circumstances of the case and also considering the fact that charge-sheet has already been filed and the same has been taken on file, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is 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.3, Dindigul, on condition that the



petitioner shall execute 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 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 trial Court as and when his appearance is required.
- (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]**.

5. 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/-
20/09/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.3, DINDIGUL.
- 2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 3 THE INSPECTOR OF POLICE, SANARPATTI POLICE STATION,
DINDIGUL TALUK, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.SELVARAJ Advocate SR.No. 53638

ps
JA-GSV-PM-SAR.3/22.09.2016-2P:6C

ORDER IN
CRL OP(MD) No.17711 of 2016
Date :20/09/2016