



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

Wednesday, the Ninth day of March Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4158 of 2016

CHINNA MASANAM

... PETITIONER/2ND ACCUSED

Vs

STATE REP BY THE INSPECTOR OF POLICE
PALANI TOWN POLICE STATION,
DINDIGUL DISTRICT,
CR NO. 890 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S T.LENIN KUMAR Advocate

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

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

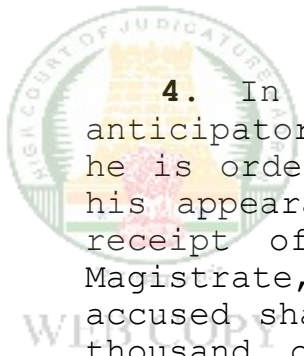
ORDER : The Court Made the following order :-

The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 341, 294(b) and 307 I.P.C., in Crime No.890 of 2015, on the file of the respondent Police, seeks anticipatory bail.

2. Heard Mr.T.Lenin Kumar, learned counsel appearing for the petitioner / second accused and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is seen that earlier this Court, by Order dated 04.12.2015, in Crl.O.P.(MD) No.23036 of 2015, granted anticipatory bail to the petitioner / second accused. But, he had not produced sureties in time before the Court below and on account of which, the anticipatory bail granted to him got lapsed. The petitioner / second accused filed an affidavit, dated 07.03.2016, giving reasons for not producing sureties in time. The relevant portion of the affidavit reads as follows:

"3.....Already, I got anticipatory bail before this Hon'ble Court in Crl.O.P.(MD) No.23036 of 2015 dated 04.02.2015 since I was suffering from Jaundice and for which I was taking country treatment, I was not able to surrender before the Court concerned within the prescribed time."



4. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner / second accused. Accordingly, he 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, Palani, on condition that the petitioner / second accused 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 / second accused shall report before the respondent Police daily at 10.00 a.m., until further orders.
- (ii) the petitioner / second accused shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners / second accused 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 / second accused in accordance with law as if the conditions have been imposed and the petitioner / second accused 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/-
09/03/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PALANI
- 2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL
- 3 THE INSPECTOR OF POLICE
PALANI TOWN POLICE STATION, DINDIGUL DISTRICT
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S T.LENIN KUMAR Advocate SR.No.13315

ORDER IN
CRL OP(MD) No.4158 of 2016
Date : 09/03/2016