



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

Friday, the Eleventh day of March Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4292 of 2016

MARIAPPAN

... PETITIONER/SOLE ACCUSED

Vs

1 STATE REP BY THE INSPECTOR OF POLICE
VALLIYOOR POLICE STATION,
TIRUNELVELI DISTRICT.
CR. NO.202/2015

... RESPONDENT/COMPLAINANT

2 DR.A.JOSEPH DIXSON

... RESPONDENT/DEFACTO COMPLAINANT

For Petitioner : M/S J.RANJANI DEVI 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 apprehends arrest at the hands of the respondent Police for the alleged offences punishable under Sections 294(b), 420 and 506(ii) of IPC, in Crime No.202 of 2015, on the file of the respondent Police, seeks anticipatory bail.

2. Heard Ms.J.Ranjani Devi, learned counsel appearing for the petitioner / 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 04.01.2016, in Crl.O.P.(MD) No.23182 of 2015, granted anticipatory bail to the petitioner/ 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/accused filed an affidavit, dated 26.02.2016, giving reasons for not producing sureties in time. The relevant portion of the affidavit reads as follows:

"11. I submit that suddenly I fell in sick and hence I could not get surrendered before the said Court as directed by this Hon'ble Court. The non compliance of the order as stated supra by me is



neither wilful nor wanton and only the reasons stated above. If the said period is not extended by an order of this Court, I will suffer irreparable loss and hardship. In the event the same being extended, there will not be any prejudice caused to the respondent herein."

WEB COPY

4. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner / 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, Valliyoor, Tirunelveli District, on condition that the petitioner / 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/accused shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioner/accused shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner/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/accused in accordance with law as if the conditions have been imposed and the petitioner/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 petitioners are complying with the conditions or not.

sd/-
11/03/2016

/ TRUE COPY /

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



TO

- 1 THE JUDICIAL MAGISTRATE, VALLIYOOR, TIRUNELVELI
 - 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI
 - 3 THE INSPECTOR OF POLICE
VALLIYOOR POLICE STATION, TIRUNELVELI DISTRICT.
 - 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1cc to Mr.J.RANJANI DEVI, Advocate Sr.No.14009

ORDER

IN

CRL OP(MD) No.4292 of 2016

Date :11/03/2016

AA/SKS-RR/AR-I/16.03.2016/3p-6c