



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

Thursday, the Twenty Ninth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice R.MAHADAVEN

CRL OP(MD) No.23906 of 2016

A.MURUGESAN ... PETITIONER / SOLE ACCUSED

Vs

1 STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
NERKUPPAI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.66 OF 2016)

.. RESPONDENT/COMPLAINANT

2 NITHYA .. RESPONDENT /DEFACTO COMPLAINANT

For Petitioner : M/S.B.SENTHILNATHAN Advocate

For Respondent : MR.P.KANDASAMY 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 sole accused, in Crime No.66 of 2016, on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 307 I.P.C., and hence, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the first respondent / State.

3. The case of the prosecution is that on 17.09.2016, at about 08.00 a.m., the petitioner snatched 10 sovereign of chain from the *de facto* complainant and due to which, she caused laceration injury.

4. The learned Government Advocate (Crl.Side) submitted that this Court, vide order, dated 09.11.2016, in Crl.O.P.(MD) No.20826 of 2016 granted bail to the petitioner and imposed certain conditions including impleadment of *de facto* complainant as a party respondent. But, due to the non-compliance of impleadment of *de facto* complainant in time, on 01.12.2016, this Court cancelled the bail granted to the petitioner.

5. The learned counsel appearing for the petitioner submitted that by an order, dated 09.11.2016, in Crl.O.P.(MD).No.20826, this Court granted bail to the petitioner with the following conditions:-

"(i) 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 Judicial Magistrate, Thiruppathur;



(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;
(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;
(iv) the petitioner shall not abscond either during investigation or trial;
(v) on breach of any of the aforesaid conditions, the 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 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 petitioner was also directed to implead the de facto complainant as a party respondent and directed the matter to be posted on 23.11.2016. Further, the petitioner was directed to send copy of the petition to the defacto complainant and file a proof for the same on or before 21.11.2016. When the matter came up for hearing on 23.11.2016, for the compliance of the above said condition, it was again adjourned to 01.12.2016. Since the petitioner was not able to comply with the said condition by 01.12.2016 also, this Court vide order, dated 01.12.2016 dismissed the bail petition.

7. Since the condition was not complied by the petitioner, this Court dismissed the bail application on 01.12.2016. Therefore, this petition for anticipatory bail is not maintainable. Accordingly, this petition is dismissed.

sd/-
29/12/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUPPATHUR
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI
- 3 THE INSPECTOR OF POLICE, NERKUPPAI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.B.SENTHILNATHAN Advocate SR.No.83786
RUM/SKS/RR/SAR-1-30.12.16-2P-6C

ORDER
IN
CRL OP (MD) No.23906 of 2016
Date : 29/12/2016