



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

Tuesday, the Twenty Ninth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.10871 of 2017

ROWETHER SHAH

... PETITIONER / ACCUSED NO.5

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
TIRUPPATHUR TOWN POLICE STATION, TIRUPPATHUR,
SIVAGANGAI DISTRICT.
CRIME NO. 19 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.THIRUVADI KUMAR Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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 offence punishable under Sections 489(B) and 489 (C) IPC in P.R.C.No.19 of 2016 on the file of the District Munsif cum Judicial Magistrate, Tiruppathur, Sivagangai District, seeks anticipatory bail.

2.The petitioner has filed a petition in Crl.O.P.(MD)No.8969 of 2017, seeking anticipatory bail and this Court by order dated 19.07.2017 granted anticipatory bail to the petitioner by imposing some conditions. However, the petitioner failed to comply with the said conditions and filed the present petition for anticipatory bail for the very same set of facts.

3.Earlier when the matter came up for hearing on 22.08.2017, this Court directed the petitioner to deposit a sum of Rs.1,000/- to the Tamil Nadu Legal Services Committed attached to this Bench on or before 29.08.2017. Today when the matter is taken up for hearing, it is seen that the petitioner has complied with the said condition and filed proof of payment to that effect.

<https://hcservices.ecourts.gov.in/hcservices/>
4.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.



5. Heard the learned Additional Public Prosecutor appearing for the respondent Police.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned District Munsif cum Judicial Magistrate, Tiruppathur, Sivagangai District, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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).

sd/-
29/08/2017

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
TIRUPPATHUR, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
TIRUPPATHUR TOWN POLICE STATION,
TIRUPPATHUR, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.29435

ORDER IN
CRL OP(MD) No.10871 of 2017
Date :29/08/2017