



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

Wednesday, the Twenty Seventh day of September Two Thousand
Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.12831 of 2017

MATHEW,

... PETITIONER/ACCUSED
RANK NOT KNOWN

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
PEW, TIRUMANGALAM, MADURAI DISTRICT.
CRIME NO.101/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SELVAKUMAR Advocate

For Respondent : MR.C.RAMESH, Additional Public Prosecutor,

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

ORDER : The Court Made the following order :-

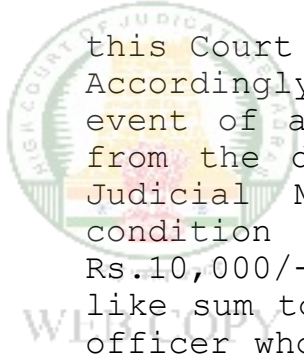
The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 4(1) (aaa), 4(1) (A) TNP Act and Section 120(b), 465, 468, 471 IPC r/w. Section 6 and 7 of TNRS Rules 2000 (Transport) in Crime No.101 of 2015, which is now pending in P.R.C.No.12 of 2017 on the file of the Judicial Magistrate Court, Thirumangalam, Madurai District, seeks anticipatory bail.

2.The case of the petitioner is that the above said case is pending before the said Court and due to non appearance of the petitioner, non bailable warrant was issued against him.

3.The learned counsel for the petitioner submitted that the absence of the petitioner is neither willful nor wanton. He further submitted that the petitioner is ready to co-operate with the trial without absence in future.

4.The learned Additional Public Prosecutor submitted that due to the non appearance of the petitioner, the case is pending before the Court concerned without any progress and non bailable warrant is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that NBW is pending against the petitioner,



this Court is 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 Judicial Magistrate Court, Thirumangalam, Madurai 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 Judicial Magistrate Court, Thirumangalam, Madurai District, daily at 10.30 a.m., for a period of fifteen days and thereafter, on all future hearings without fail.

[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)**.

6.Considering the fact that the case is pending without any progress, the learned Judicial Magistrate, Thirumangalam, Madurai District is directed to dispose of P.R.C.No.12 of 2017 within a period of three months thereafter.

sd/-
27/09/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM, MADURAI DISTRICT
2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
3 THE INSPECTOR OF POLICE, PEW, TIRUMANGALAM, MADURAI DISTRICT.
4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.S.SELVAKUMAR Advocate SR.No.31838

ORDER
IN
CRL OP(MD) No.12831 of 2017
Date :27/09/2017