

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

Tuesday, the Twenty Eighth day of March Two Thousand Seventeen
PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CRL OP(MD) No.3659 of 2017

WEB COPY

SEKAR @ KASTURI

... PETITIONER/ ACCUSED-5

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
KANNIVADI POLICE STATION,
DINDIGUL DISTRICT.

(IN CR.NO.297 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.N.VIJAYARAJAN Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 419, 420, 120(b) and 506(ii) IPC in Crime No.297 of 2016 on the file of the respondent police, the petitioner/A5 has come forward with this petition seeking anticipatory bail.

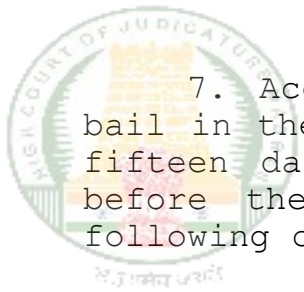
2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the petitioner is alleged to have threatened the defacto complainant in dire consequence over phone by imitating Police voice, which resulted in registration of the case.

4. Learned counsel for the petitioner would submit that though anticipatory was granted by this Court on 29.11.2016, the petitioner could not produce sureties and therefore, he prays for grant of anticipatory bail. He would further submit that the petitioner is the neighbour of the defacto complainant and he has been falsely implicated in this case.

5. Learned Government Advocate (Crl.Side) submitted that the investigation of the case is pending.

6. Considering the facts and circumstances of the case, this Court is of the view that custodial interrogation of this petitioner is not necessary at this stage. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.



7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Dindigul, subject to 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 respondent police or the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m. for two weeks and thereafter as and when required for interrogation;

(iii) the petitioner shall not tamper with 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].

sd/-
28/03/2017

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3.THE INSPECTOR OF POLICE,
KANNIVADI POLICE STATION,DINDIGUL DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.3659 of 2017
Date :28/03/2017

MS/PM.PN/SAR.33/05.04.2017/2P.5C

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