

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N. SATHISH KUMAR

CRIMINAL ORIGINAL PETITION No.15963 of 2018

KUMAR

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
PORAIYAR POLICE STATION,
PORAIYAR,
NAGAPATTINAM DISTRICT,
CR.NO.166 OF 2018.

[RESPONDENT]

For Petitioner : M/S.C.PRABAKARAN Advocate

For Respondent : MR.B.ARULMOZHIMARAN 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 for the alleged offences under Sections 4(1) (aaa), r/w 4(1-A) of TNP (Transport) Act, in Crime No.166 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.This is the second anticipatory bail application. The earlier anticipatory bail application was dismissed on 30.05.2018 enabling the Investigation Officer to conduct further investigation. No investigation was so far conducted. This lethargic investigation also clearly indicates that except for filing of the First Information Report, the prosecution is not caring to complete the investigation.

3. Having regard to the above facts, and also the fact that the co-accused has already been arrested and released on bail and the petitioner has been implicated only on the confession of the co-accused, and taking into consideration the change of circumstances, I am inclined to grant anticipatory bail to the petitioner.

4. (i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.1, Mayiladuthurai, Nagapattinam District, within a period of 15 days from the date of receipt of a copy of this order, on his executing 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 learned Magistrate concerned.

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

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

[c] the petitioner shall not tamper with evidence or witness 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 is 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
22/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, MAYILADUTHURAI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
PORAIYAR POLICE STATION,
PORAIYAR, NAGAPATTINAM DISTRICT,

+1 CC to M/S.C.PRABAKARAN Advocate on payment of necessary
charges SR.NO. 11380

CRL OP.15963/2018

Date :22/06/2018

RD 28/06/2018