



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

Wednesday, the Fifth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21518 of 2018

GANESAN

... PETITIONER / ACCUSED NO.5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KALAKKADU POLICE STATION,
TIRUNELVELI DISTRICT.
Crime No. 397 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.PONKARTHIKEYAN Advocate

For Respondent : Mr.M.ASOKAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 I.P.C., r/w 511 of IPC in Crime No.397 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 28.11.2018 the petitioner/Accused No.5 along with other accused persons, have making preparation to segregate the sand with the help of wooden log with an intention to take away later. On seeing the police, the petitioners were escaped from the scene of occurrence. Hence a case has been registered.

3.The learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case.

4.Considering the facts and circumstances of this case, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri, Tirunelveli District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each



for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fail to surrender before the concerned Magistrate within a period of fifteen days, this order shall stand automatically cancelled without any reference to the Court.

[b] the petitioner shall report before the respondent police daily at 10.30 am., for a period of two weeks and thereafter, appear before the police as and when require for interrogation.

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

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

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

sd/-

05/12/2018

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT.

2.THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE
KALAKKADU POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to Mr.R.PONKARTHIKEYAN Advocate SR.No.22710

ORDER

IN

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Date :05/12/2018