



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.21530 of 2018

SELVAM

... PETITIONER / SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SWAMIMALAI POLICE STATION,
SWAMIMALAI,
THANJAVUR DISTRICT
CRIME NO.167/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.JAYARAMACHANDRAN Advocate

For Respondent : MR.M.ASOKAN, Government 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 at the hands of the respondent police for the offence punishable under Section 403, 406, 381 of I.P.C. in Crime No.167 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that a case has been registered against the petitioner who is the Secretary of the Swamimalai Cooperative Society on 16.07.2018 and the petitioner has approached this Court seeking anticipatory bail in Crl.O.P.(MD) No.11186 of 2018 and thereafter Crl.O.P.(MD)No.14867 of 2018 and this Court on 07.09.2018 granted anticipatory bail to the petitioner.

3.The learned counsel for the petitioner submitted that due to severe jaundice the petitioner could not execute sureties before the trial Court. Hence, the anticipatory bail petition has been filed.

4.Since, this Court had earlier granted anticipatory bail to 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kumbakonam, 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 fails 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 as and when required 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 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]**.

[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,
KUMBAKONAM , THANJAVUR DISTRICT
 2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
 3. THE INSPECTOR OF POLICE
SWAMIMALAI POLICE STATION,
SWAMIMALAI,
THANJAVUR DISTRICT
 4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.A.JAYARAMACHANDRAN Advocate SR.No.98688

ORDER

IN

CRL OP(MD) No.21530 of 2018

Date :05/12/2018