



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

Monday, the Seventeenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22180 of 2018

A.MURUGAN @ LETH MURUGAN

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ANNAVASAL POLICE STATION,
PUDUKKOTTAI DISTRICT.
Crime No.45/2005

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.B.JAMEEL ARASU Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 457, 380 and 511 I.P.C in Crime No.45 of 2005, seeks anticipatory bail.

2. The case of the petitioner is that he was earlier granted anticipatory bail in the above case and thereby, he was attending the case regularly from the year 2005 onwards. On 28.02.2006, non-bailable warrant was issued against him due to his non-appearance. The petitioner has been working as a server in various hotels and in search of better income, he is working in various hotels, wherever, there is a small rise in his income. During the year 2013, due to hard times, strenuous working and due to unhealthy environment, the petitioner was attacked with Tuberculosis and he is now suffering from Tuberculosis. Now, in the year 2017, he is seriously affected by the Tuberculosis and he is regularly taking treatment for the same.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence. Hence, he prayed for anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that on 28.02.2006, non-bailable warrant was issued against the petitioner due to his non-appearance before the trial court.

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5. Considering the above submissions, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Keeranur, Pudukkottai 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 learned Magistrate concerned and on further condition that;

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the concerned trial court on all hearing dates.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/12/2018

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TO

1. THE JUDICIAL MAGISTRATE,
KEERANUR, PUDUKKOTTAI DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE,
ANNAVASAL POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1. CC to Mr.B.JAMEEL ARASU Advocate SR.No.23498

ORDER

IN

CRL OP (MD) No.22180 of 2018

Date :17/12/2018

TK/VR.MMS/SAR-1/25.12.2018/3P/6C