



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

Tuesday, the Eighteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

**CRL OP(MD) No.22271 of 2018**

BOOMINATAHAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP. BY  
THE INSPECTOR OF POLICE,  
KOMBAI POLICE STATION,  
THENI DISTRICT.  
(CRIME NO. 210 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.SOLAISAMY Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI  
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 Sections 294(b) and 506(i) IPC in Crime No.210 of 2018, seek anticipatory bail.

2. According to the petitioner, he was earlier granted anticipatory bail by this Court in Crl.O.P.(MD).No.15934 of 2018. But the offence was wrongly typed in the order and the same was corrected by the Registry on 12.10.2018. The order copy was made ready on 15.10.2018. Due to pooja holidays, the order copy was obtained on 22.10.2018. While that being so, the sureties went on their works. So, the petitioner could not surrender before the concerned Court within the time as stipulated by this Court.

3.Heard the learned Government Advocate (Crl.Side) appearing for the respondent in this regard.



4. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions:-

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Bodinayakannur and on his executing 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 failed 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 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.

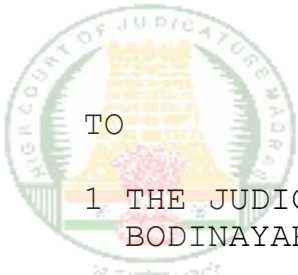
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-  
18/12/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,  
BODINAYAKANNUR.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE  
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,  
KOMBALAI POLICE STATION,  
THENI DISTRICT.

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

+1. CC to M/S.M.SOLAISAMY Advocate SR.No.23562

ORDER

IN

CRL OP (MD) No.22271 of 2018

Date :18/12/2018

AMS/JC/S-1/26.12.2018/3P/6C