



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

Friday, the Twenty First day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22304 of 2018

SIKKANTHAR,

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KARIMEDU POLICE STATION,
MADURAI CITY.
(CRIME NO.1806/2009)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.M.A. JINNAH Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl. Side)

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 Section 379 I.P.C in Crime No.1806 of 2009, seeks anticipatory bail.

2. There are totally two accused. The petitioner is A-1 and A-2 died, in this case. The petitioner submits that initially, a case was registered against him in Cr.No.1806 of 2009. Thereafter, on completion of investigation, charge-sheet was filed before the learned Judicial Magistrate, which was taken on file as P.R.C.No.23 of 2012. Since the offence pertains to sessions one, the case was committed to the Court of Sessions and it is pending from the year 2015 in S.C.No.227/2015 on the file of the First Additional Sessions Judge, Madurai.

3.The learned counsel for the petitioner submits that the petitioner was granted bail during the investigation in F.I.R stage. He is working in a Steel Fabricating Company. Due to which, he is shifting his employment for better salary from one place to another. Later, he is carrying on his work at Kerala. Till the stage, he



was regularly attending the Court. Thereafter, he had informed the other accused/A-2 to instruct the Advocate to file necessary application for his absence and undertook that he would appear on the date of hearing, when his presence is necessary. Thereafter, the petitioner had developed lungs problem and nerves collapse in connection with his work and he was advised to take Ayurvedic treatment in Kerala. In the mean while, the second accused has passed away and the petitioner has lost communication and he was unable to aware the stage of the case. Now only, he comes to know that a non-bailable warrant has been issued against him. Further, the petitioner undertakes to appear before the trial court regularly.

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 non-bailable warrant was issued against the petitioner, due to his non-appearance before the trial court.

5. Considering the reason assigned by the petitioner for his absence and also considering the undertaking given by the petitioner, 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 First Additional District Judge, Madurai 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 Sessions 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/-
21/12/2018

/ TRUE COPY /

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

TO

- 1.THE FIRST ADDITIONAL DISTRICT JUDGE,
MADURAI.
- 2.THE INSPECTOR OF POLICE,
KARIMEDU POLICE STATION,
MADURAI CITY.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.S.M.A. JINNAH Advocate SR.No.24030

ORDER
IN
CRL OP(MD) No.22304 of 2018
Date :21/12/2018

AE/PN-AC/SAR3/28.12.2018/3P/5C