



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22412 of 2018

MARI SELVAN

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PANDALKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.53 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.ANAND 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 :-

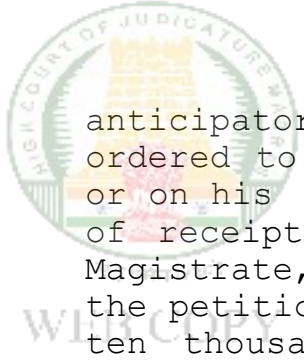
The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC in Crime No.53 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the *de facto* complainant parked his auto rickshaw in front of his house and later on, it was found that somebody has stolen the same. Hence, the complaint.

3. The Learned Government Advocate(Criminal side) appearing for the respondent police submitted that the petitioner has already been granted anticipatory bail by this Court vide order dated 15.11.2018.

4. The learned counsel for the petitioners would submit that he was unable to arrange sureties within the time prescribed by this Court since he has been suffering from viral fever, as a result of which, he could not surrender before the concerned Court within the time stipulated by this Court.

5. Taking into consideration the submission made by the learned counsel appearing on either sides, this Court is inclined to grant



anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on anticipatory 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, Aruppukottai, Virudhunagar District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitiones 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 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/-
19/12/2018

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>
3. THE INSPECTOR OF POLICE,
PANDALKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.



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

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AE/PN-AC/SAR3/31.12.2018/3P/5C

ORDER

IN

CRL OP (MD) No.22412 of 2018

Date :19/12/2018