



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

Thursday, the Twentieth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22520 of 2018

1 JOTHI
2 SURIYA

... PETITIONERS / ACCUSED NO.1 & 19

Vs

STATE REP BY
THE INSPECTOR OF POLICE
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.239/2013)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SUSI KUMAR, Advocate

For Respondent : MR.K.SUYAMBULIGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/Accused 1 & 19, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 326, 307 r/w 149 and 109 I.P.C in Crime No.239 of 2013, seek anticipatory bail.

2. The case of the petitioners is that he was earlier granted anticipatory bail in the above case and thereby, he was attending the case regularly from the year 2015 onwards. On 08.03.2018, non-bailable warrant was issued against them due to their non-appearance before the trial court. The petitioners have been residing around 40 to 50 kilometres away from the Court. On 08.03.2018, the bus in which they had travelled was break down. So, they are unable to contact the counsel and inform about the sudden happenings. In view of the same, the petition to condone their absence could not be filed and NBW was issued.

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



4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that on 08.03.2018, non-bailable warrant was issued against the petitioners due to his non-appearance before the trial court.

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5.Accepting the explanation submitted by their petitioners, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions;

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Sub-Judge, Valliyoor on condition that the petitioners 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 petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

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

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

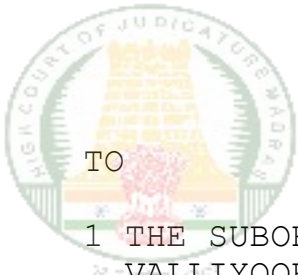
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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/-
20/12/2018

/ TRUE COPY /

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



TO

1 THE SUBORDINATE JUDGE,
VALLIYOOR.

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

3 THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.C.SUSI KUMAR Advocate SR.No.23855.

ORDER

IN

CRL OP (MD) No.22520 of 2018

Date : 20/12/2018

AMS/VR/S-1/27.12.2018/3P/6C