



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

Monday, the Third day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20913 of 2018

1 A.MURUGAN

2 S.MATHAN

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REB.BY
THE INSPECTOR OF POLICE,
ALWARKURICHI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 196/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr. M. PANDIAN Advocate

For Respondent : Mr. Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehending arrest at the hands of the respondent police for the offence punishable under Section 379 of I.P.C., in Crime No.196 of 2018, seek anticipatory bail.

2. The learned counsel for the petitioners would submit that the petitioners were already granted anticipatory bail by order of this Court dated 23.07.2018 in Crl.O.P.(MD) No.12500 of 2018 and as per conditions of this Court, the petitioners have deposited a sum of Rs.5,000/-(Rupees Five Thousand Only) jointly, to the credit of the District Mineral Foundation Trust, Tirunelveli. He would further submit that due to non availability of sureties the petitioners were not able to produce common sureties within a prescriptive period.

3. Heard the learned Additional Public Prosecutor appearing for the respondent.

4. The petitioners have deposited the said amount, it would not amount to admission of their guilty. Therefore, it is open to the Trial Court to deal with the case independently and this Court imposed no cost on the petitioners since the petitioners have already deposited the said amount.



5. Taking into consideration the facts of the case, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ambasamudram on condition that the petitioners shall execute 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 said Magistrate, 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 respondent police as and when required for interrogation.

[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.

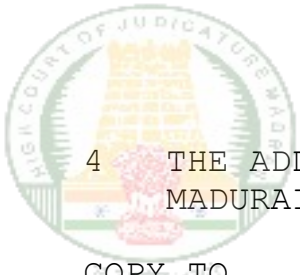
sd/-
03/12/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
AIWARKURICHI POLICE STATION,
TIRUNELVELI DISTRICT.



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

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THE OFFICER INCHARGE,
DISTRICT MINERAL FOUNDATION TRUST,
TIRUNELVELI DISTRICT.

+1. CC to Mr. M. PANDIAN Advocate SR.No.22562

PS/VR-MMS/SAR-1/12/12/2018/3P/7C

ORDER

IN

CRL OP (MD) No.20913 of 2018

Date :03/12/2018