



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

Thursday, the Sixth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21147 of 2018

KANNAN @ KANNAPIRAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI.
IN CRIME NO. 787 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.SAMUEL GUNASINGH 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 alleged offences punishable under Section 20 of the Arms Act, 1959 altered into Sections 147, 148 IPC and Section 20 of the Arms Act, 1959 in Crime No.787 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant received information that weapons are present in a Scorpio Vehicle bearing registration no.TN 02 U 5934. thereafter, it is further alleged that the first accused was the driver of the car and aruval and an iron rod was present in the car. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged offence.

4.The learned Government Advocate (Crl.side) would submit that the petitioner got a long history and he has various previous cases, which is registered for communal clauses and when the respondent Police searched the vehicle of the petitioner, deadly weapons were



found in the vehicle. On the confession given by the driver of the said vehicle, the petitioner herein was added as accused in the above said crime number. He vehemently opposed to grant anticipatory bail to the petitioner.

5. This court is of the view that the present petitioner was very much available when the respondent police arrested the first accused, who is the driver of the vehicle, whereas the respondent police did not arrested the present petitioner. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on 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 No.I, Tirunelveli 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail 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 daily twice morning at 10.30 am and evening at 04.30 pm, for a period of two weeks and thereafter 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/-
06/12/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI.

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

+1. CC to M/S.P.SAMUEL GUNASINGH Advocate SR.No. 22927

ORDER

IN

CRL OP (MD) No.21147 of 2018

Date :06/12/2018

JM/VR MMS/SAR 4/17.12.2018/3P/6C