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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20969 of 2018

S.SUKUMARAN ... PETITIONER / ACCUSED NO.3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SHOLAVANDAN POLICE STATION,
MADURAI DISTRICT.
(IN CRIME NO. 295 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.P.RONIGA Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 379 of IPC in Cr.No.295 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that A1 & A2 taken away the goat belongs to the defacto complainant using the petitioner's vehicle.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he has not committed any offence as alleged by the prosecution. Co-accused were arrested and released on bail.

4.The learned Government Advocate (Crl. Side) submitted that the co-accused have been arrested and released on bail and there is no previous case against the petitioner.

5.Taking into consideration the facts of the case and the fact that it is only a family dispute between the father and son, this Court is inclined to grant anticipatory bail to the petitioner.

6.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, Vadipatti, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-

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(Rupees ten thousand only) with two sureties, each for a like sum 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 at 10.30 a.m. for a period of one week 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/-
27/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, VADIPATTI.

2 THE CHIEF JUDICIAL MAGISTRATE,MADURAI.

3 THE INSPECTOR OF POLICE
SHOLAVANDAN POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.M.P.RONIGA Advocate SR.No.22146
PS/CR-MMS/SAR-3/03/12/2018/2P/6C

ORDER
IN
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Date :27/11/2018

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