



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

Monday, the Third day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20971 of 2018

1. MARUTHUPANDIAN
2. GANESHKUMAR

...PETITIONERS/ ACCUSED NO. 1 & 2

Vs

THE STATE REP BY
THE SUB INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM.
IN CRIME NO. 131 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.A.UTHAYAKUMAR 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 petitioners who apprehending arrest at the hands of the respondent police for the offence punishable under Section 294(b), 323, 336 and 506(i) of I.P.C., in Crime No.131 of 2018, seek anticipatory bail.

2. The learned counsel for the petitioners would submit that the petitioners already have been granted anticipatory bail by this Court on 12.10.2018 in Crl.O.P. (MD) No.18128 of 2018 and that the petitioners had received the order copy on 24.10.2018. He would further submit that in the earlier order, the first petitioner's name was to be mentioned as 'Maruthupandian' but it was wrongly mentioned as 'Muthupandian' and hence, the petitioners could not execute a bond within a stipulated time. Hence, the present petition.

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



4. Taking into consideration the facts of the case, the first petitioners name is corrected and 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, Kamuthi, Ramanathapuram District 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.

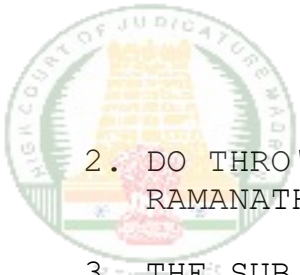
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03/12/2018

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

TO

1. THE JUDICIAL MAGISTRATE,
<https://hcservices.courts.gov.in/hcservices>
KAMUTHI, RAMANATHAPURAM



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

3. THE SUB INSPECTOR OF POLICE
ABIRAMAM POLICE STATION, RAMANATHAPURAM.

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

+1. CC to MR.A.UTHAYAKUMAR Advocate SR.No.22603

ORDER
IN
CRL OP(MD) No.20971 of 2018
Date :03/12/2018

KSA
MK/JC/SAR 2/11/12/2018/3P/6C