



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

Thursday, the Twenty Ninth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21169 of 2018

SANTHANAM @ SANTHANA KRISHNAN ... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE,
THIDEER NAGAR POLICE STATION,
MADURAI CITY.

(CRIME NO.669/2018)

... RESPONDENT

For Petitioner : MR.M.VAIKKAM KARUNANITHI Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

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 offences punishable under Sections 386, 294(b), 323, 324, 448, 427 and 506(ii) of IPC, in Crime No.669 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that there seems to be some dispute with regard to execution of sale deed. A3 who is the acting driver of A1. On instructions of A1, the petitioner had called the defacto complainant to meet him, at that time, A1 and A2 is said to have attacked him. Hence, the compliant.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged occurrence. He further submitted that A1 and A2 have been arrested and remanded into judicial custody. As regards, there is no specific overt act attributed against the petitioner.

4.The learned Additional Public Prosecutor for the respondent police would submit that investigation is pending.

5.Taking into consideration the facts of the case and the submissions by learned counsels, 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 No.V, Madurai District, 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 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/-
29/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.V,
MADURAI DISTRICT
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI
3. THE INSPECTOR OF POLICE
THIDEER NAGAR POLICE STATION,
MADURAI CITY
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI



+1. CC to MR.M.VAIKKAM KARUNANITHI Advocate SR.No.22322

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MK/JC/SAR 2/04.12.2018/3P/6C

ORDER

IN

CRL OP (MD) No.21169 of 2018

Date :29/11/2018