



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

Friday, the Thirtieth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21249 of 2018

KALAIYARASAN

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT.
(IN CRIME NO. 506 OF 2009) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.M.SANJAY Advocate

For Respondent : MR.M.ASOKAN, 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 offences punishable under Sections 294(b), 322 and 506(ii) of I.P.C., in Crime No.506 of 2009 in C.C.No.135 of 2015 on the file of the learned Judicial Magistrate, Devakottai, seek anticipatory bail.

2. The learned counsel for the petitioner would submit that the petitioner is working in Abroad and therefore the petitioner is not able to attend the hearings. He would further submit that the petitioner had filed a petition under Section 317 Cr.P.C., and the same was dismissed by the learned Judicial Magistrate, Devakottai and issued non-bailable warrant against the petitioner. Aggrieved over the same, the present petition is filed.

3. The learned counsel for the petitioner undertakes that the petitioner shall appear before the trial Court and co-operate with the trial.



5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to appear before the learned Judicial Magistrate, Devakottai and file a recall petition and the learned concerned Magistrate accept the same and 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, Devakottai, 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 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/-
30/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
DEVAKOTTAI.

<https://hservices.ecourts.gov.in/hservices/>
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



3. THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT.

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

+1. CC to MR.S.M.SANJAY Advocate SR.No.22503

ORDER

IN

CRL OP (MD) No.21249 of 2018

Date : 30/11/2018

AE/VR MMS/SAR1/11.12.2018/3P/6C