



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

Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.21020 of 2018

PONESAKKI

... PETITIONER / ACCUSED NO. 3

Vs

THE STATE BY REP.
THE INSPECTOR OF POLICE,
SRIVAICKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
IN CRIME NO.162 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.P.MUTHUPANDI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. 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 147, 148, 294(b), 307, 353, 379 and 506(ii) IPC and Section 3 of TNPPDL Act, in Crime No.162 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 13.07.2018, when the respondent police conducted inspection, the police found that three persons loaded 15 package of sand in a TVS Champ bearing Reg.No.TN 72 B 9196 and TN 72 D 0637. On seeing the respondent police, the petitioner fled away from the place of occurrence.

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 this Court granted anticipatory bail to A2 and A4 in Crl.O.P.(MD)No.12309 of 2018, dated 19.07.2018. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) for the respondent police would submit that the 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, Srivaikundam, Thoothukudi 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 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,
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT
3. THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION, THOOTHUKUDI DT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI



+1. CC to MR.P.MUTHUPANDI Advocate SR.No.22231

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ORDER

IN

CRL OP (MD) No.21020 of 2018

Date :27/11/2018

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