



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

Monday, the Twenty Fifth day of February Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL MP(MD) No.1428 of 2019

IN

CRL OP(MD) No.19624 of 2018

1.NEELAARASAN,
2 KANNAGAVALLI,
3 THILAGAVATHI,
4 PERIYATHAMBI,
5 GANAPATHY,

... PETITIONERS/PETITIONERS

Vs

1.THE STATE REP BY
THE INSPECTOR OF POLICIE,
MATHUKKUR POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.188/2018)

2 THE INSPECTOR OF POLICE,
CBCID, THANJAVUR.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the order in Crl.O.P.(MD) NO.19624 of 2018, dated 07/01/2019 to the effect that the interim anticipatory bail petition may be modified as till the dispose of the investigation completed by the Inspector of Police, CBCID, Thanjavur and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.K.MAHENDRAN, Advocate for the petitioner and of MR.K.SUYAMBULINGA BHARATHI, Government Advocate(Crl. Side) on behalf of the Respondents the court made the following order:-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 174 Cr.P.C, which was subsequently altered to Section 306 I.P.C and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interests Act, in Crime No.188 of 2018, on the file of the respondent police.

2.This Court by order, dated 13.11.2018 in Crl.O.P(MD) No.19624 of 2018, directed the respondent police not to take any coercive action against the petitioners for a period of two weeks. Thereafter, on 07.01.2019, this Court invoking its power, transfer

the investigation in Crime No.188 of 2018 from the file of the Inspector of Police, Mathukkur Police Station, Thanjavur District to the file of the Inspector of Police, C.B.CID, Thanjavur.

3.Now, the petitioners filed this petition to modify the order in Crl.O.P(MD)No.19624 of 2018, dated 07.01.2019 to the effect that the interim anticipatory bail granted by this Court may be modified till the disposal of the investigation completed by the Inspector of Police, C.B.CID, Thanjavur.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that while disposing of the petition for anticipatory bail filed by the petitioners in Crl.O.P.(MD)No.19624 of 2018, this Court granted interim anticipatory bail only with a finding that the interim anticipatory bail would be in force till the investigation of Cr.No.188 of 2018 of Mathukkur Police Station is transferred to the file of Inspector of Police, C.B.CID, Thanjavur. Since on 22.02.2019, the Inspector of Police, C.B.CID, Thanjavur District took up the investigation, the interim anticipatory bail granted by this Court comes to an end. He further submitted that investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the above said submissions, the interim order already granted is extended until further orders and on further condition that:

(a)the petitioners shall report before the Inspector of Police, C.B.CID, Thanjavur District, daily at 10.30 a.m., till filing of charge sheet.

(b)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(c)the petitioners shall not abscond either during investigation or trial;

(d)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]**; and;

(e)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/02/2019

/ TRUE COPY /



TO

1 THE INSPECTOR OF POLICE,
MATHUKKUR POLICE STATION,
THANJAVUR DISTRICT.

2 THE INSPECTOR OF POLICE,
CBCID, THANJAVUR.

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

+1. C.C. to Mr.K.MAHENDRAN Advocate SR.No.3689

ORDER

IN

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Date :25/02/2019

AE/MMS/SAR-IV/06.03.2019/3P/5C