



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1031 of 2019

M.THINAKARAN,

... PETITIONER / ACCUSED No.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.769/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.PANDIYARAJ Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

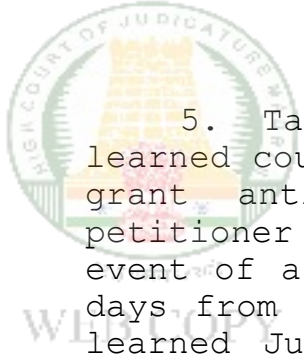
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 IPC in Crime No.769 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on the basis of the complaint given by the *de facto* complainant pertaining to missing of court bundle regarding E.P.No.205 of 2013 in O.S.No.64 of 2005 on the file of the Principal Subordinate Court, Tirunelveli, the complaint has been registered.

3. The Learned Government Advocate(Criminal side) appearing for the respondent police vehemently objected the grant of Anticipatory bail to the petitioner.

4. Learned counsel for the petitioner would submit that the petitioner is a practicing Advocate. A1 is none other than the elder brother of the petitioner. A1 was granted interim Anticipatory Bail by this Court in Crl.O.P.(MD)No.20654 of 2018 dated 03.12.2018 and after complying the conditions imposed, it was made absolute on 18.01.2019.



5. Taking into consideration the submissions made by the learned counsel appearing on either sides, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on anticipatory 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 I, Tirunelveli on condition that the each of the petitioners 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 fails 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** for a period of one week and thereafter, on only Saturday and Sunday for a period of two weeks 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/01/2019

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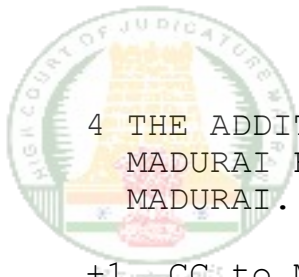
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.1,
TIRUNELVELI.

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

3. THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI DISTRICT.



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

+1. CC to Mr.S.PANDIYARAJ Advocate SR.No.1334

WEB COPY

ORDER

IN

CRL OP(MD) No.1031 of 2019

Date :24/01/2019

AE/PN/SAR2/29.01.2019/3P/6C