



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

Friday, the Twenty Fifth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1140 of 2019

GOPAL

... PETITIONER / ACCUSED No. 2

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
SOMARASAMPETTAI POLICE STATION,
TRICHY DISTRICT.
(CRIME NO. 126/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.ALAGUMANI Advocate

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

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

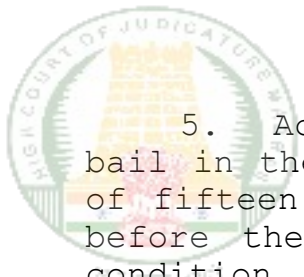
ORDER : The Court Made the following order :-

The petitioner/A2 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 307 of IPC and Section 3(1) of TNPPDL Act, in Cr.No.126 of 2018, seeks anticipatory bail.

2.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Further, the petitioner has already filed Crl.O.P(MD)No.17438 of 2018 for anticipatory bail before this Court and this Court vide order, dated 28.09.2018, granted anticipatory bail to him. He could not produce the sureties before the Judicial Magistrate for the reason that he could not able to mobilize the sureties. Hence, the petitioner has come up with the present petition.

3.Heard the learned Government Advocate (Criminal side).

4.Considering the facts and circumstances of the case and also the considering fact that this Court has already granted anticipatory bail to the petitioner vide order dated 28.09.2018 made in Crl.O.P(MD)No.17438 of 2018, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



5. 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, Tiruchirappalli 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 failed 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 10.00 a.m., for a period of two weeks 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/-

25/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO V, TIRUCHIRAPPALLI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI

3 THE INSPECTOR OF POLICE
SOMARASAMPETTAI POLICE STATION, TRICHY DISTRICT.

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

+1. CC to MR.R.ALAGUMANI Advocate SR.No.1662

ORDER

IN

CRL OP(MD) No.1140 of 2019

Date :25/01/2019