



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

Wednesday, the Thirtieth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1372 of 2019

MARI SELVAN

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT,
(IN CRIME NO. 181 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.ANAND Advocate

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

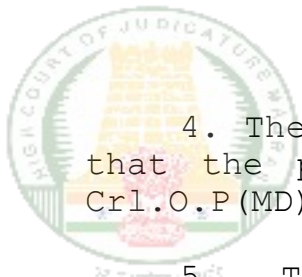
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 379 (NP) of IPC in Cr.No.181 of 2018 seek anticipatory bail.

2. The case of the prosecution is that the lorry bearing Regl No.TN 03 F 5538 belonging to the defacto complainant which was parked in front of one Durgaiamman Auto Workshop, Kanjanaickanpatti to clear the engine fault in the workshop of one Sivakumar and at that time the said Sivakumar was not available and that the defacto complainant has informed the same over phone to Sivakumar to do the engine repair work and that the defacto complainant went to the above said workshop and that the lorry of the defacto complainant was not there and not able to trace the same.

3. The learned counsel appearing for the petitioner would submit that the petitioner was already granted anticipatory bail by this Court in Crl.O.P(MD) No.21075 of 2018 dated 29.11.2018. since the petitioner did not execute sureties within the stipulated time, this petition has been filed.



4. The learned Government Advocate (Criminal Side) would submit that the petitioners were already granted anticipatory bail in CrI.O.P(MD) No.21075 of 2018 dated 29.11.2018.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court 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 their appearance, before the learned Judicial Magistrate, Aruppukottai, Virudhunagar District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 daily at 10.30 a.m for a period of two weeks 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.

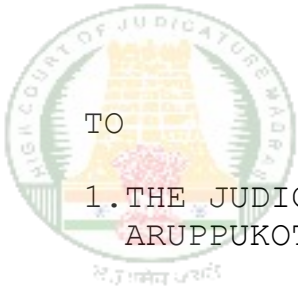
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
30/01/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to MR.R.ANAND Advocate SR.No.2008

ORDER

IN

CRL OP (MD) No.1372 of 2019

Date :30/01/2019

aav

AE/JC/SAR2/11.02.2019/3P/6C