



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

Wednesday, the Thirtieth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1453 of 2019

1 ANBALAGAN
2 KATTURAJA

... PETITIONERS / A-2 AND A-3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
TAMIL NADU RAILWAY POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT.
CRIME NO.3 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.A.BANUMATHY, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 353 and 506(i) of IPC in Crime No.3 of 2019, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the petitioners along with others quarrelled with the railway gate keeper in the level crossing in the village and threatened with dire consequences.

4. The learned counsel for the petitioners submitted that the first petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the second petitioner in this case was arrested by the respondent police, while the anticipatory bail petition is pending and he seeks permission of this court to withdraw the petition in respect of the second petitioner.

5. The Government Advocate(Crl.Side) submitted that second petitioner in this case was arrested by the respondent police and he is in custody.



6. Taking into consideration the 2nd petitioner has been arrested, I am inclined to grant anticipatory bail to the 1st petitioner.

7. Accordingly, the 1st petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Manamadurai, 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 1st petitioner fails to surrender before the concerned Magistrate, within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the 1st petitioner shall report before the respondent police daily at 10.30 a.m. for period of one week and thereafter as and when required for interrogation.

[c] the 1st petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 1st 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 1st petitioner in accordance with law as if the conditions have been imposed and the 1st 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.

(g) As far as the 2nd petitioner is concerned this petition is dismissed as withdrawn since he has been arrested.

sd/-
30/01/2019

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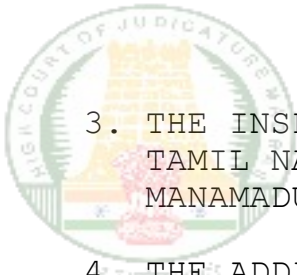
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, MANAMADURAI.

<https://hcservices.ecourts.gov.in/hcservices/>

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



3. THE INSPECTOR OF POLICE,
TAMIL NADU RAILWAY POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT.

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

+1. CC to M/s.A.BANUMATHY Advocate SR.No.1892

ORDER

IN

CRL OP (MD) No.1453 of 2019

Date : 30/01/2019

MS/VR/SAR-2/05.02.2019/3P.6C