



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

Thursday, the Thirty First day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1534 of 2019

K.JEEVANANDHAM @ JEEVA

... PETITIONER /PETITIONER/ ACCUSED RANK NOT KNOWN

Vs

THE SUB INSPECTOR OF POLICE
THANGACHIMADAM POLICE STATION,
THANGACHIMADAM,
RAMANATHAPURAM DISTRICT.
(CRIME NO. 61/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.BALAMURUGAN 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, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 13(1) and 14 of Foreigners Act, 1946 and 120(B) of I.P.C, in Crime No.61 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 25.09.2018 the Accused No.1 namely Ramani, who was trying to emigrate illegally to Srilanka. On the basis of an intelligence received by the office, on 25.09.2018, A1 alongwith A2 were arrested by customs officials for the allegation of attempting to cross over to Srilanka illegally in a Country boat from Rameswaram. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner was already granted anticipatory bail by this Court in Crl.O.P(MD) No.20885 of 2018 dated 06.12.2018 on condition that the petitioner to execute a bond for a sum of Rs.10,000/- with two sureties and to appear before the concerned Magistrate Court within a period of 15 days. Due to devastation of Gaja cyclone, petitioner met with huge loss and hence unable to arrange sufficient and proper sureties and now he is able to arrange sureties and hence, 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.20885 of 2018 dated 06.12.2018, but, he did not comply with the condition. He would further submit that this petition is the second anticipatory bail.

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, with certain conditions:-

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Rameswaram, Ramanathapuram and on his executing 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 learned Magistrate concerned and 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 report before the respondent Police daily at 10.30 a.m. for a period of two weeks 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/-
31/01/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE
RAMESWARAM, RAMANATHAPURAM DISTRICT.

2 THE CHIEF JUIDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3 THE SUB INSPECTOR OF POLICE
THANGACHIMADAM POLICE STATION,
THANGACHIMADAM,
RAMANATHAPURAM DISTRICT.

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

+1. CC to MR.S.BALAMURUGAN Advocate SR.No.2015

PS/JC/SAR-4/08.02.2019/3P/6C

ORDER
IN
CRL OP(MD) No.1534 of 2019
Date :31/01/2019