



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

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1549 of 2019

S.M.RAMESH @ RAMESHKUMAR

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.18/2010)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.SURESHKUMAR Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

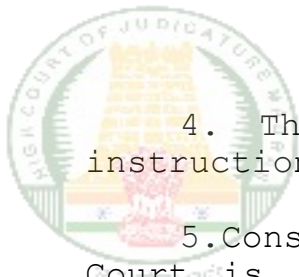
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 341 and 302 IPC in Cr.No.18 of 2010 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and one Dhanagopal, who is the defacto complainant's brother-in-law, was doing contract work. As per the request of the said Dhanagopal, the defacto complainant proceeded along with him in the motor cycle, after finishing the work. At that time, the petitioner along with other accused persons waylaid them and also assaulted the Dhanagopal. As a result, Dhanagopal sustained heavy injury and he died.

3.The learned counsel appearing for the petitioner would submit that there are totally twelve accused in this case. A charge sheet has been filed in Crime No.18 of 2010 against the accused Nos.1 to 4 and 7 to 12. Thereafter, the case was committed to the file of the Sessions Court, Sivagangai and the same was ended in acquittal. The petitioner unable to appear before the trial Court. He further submitted that the petitioner is ready to appear before the trial Court.



4. The learned Additional Public Prosecutor (Crl.side), on instructions, would submit co-accused were acquitted.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. 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.II, Sivagangai, 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) it appears that the case is still pending at the PRC stage. Hence, the trial Court is directed to complete the committal proceedings as expeditiously as possible.

(c) the petitioner is directed to appear before the learned Judicial Magistrate No.II, Sivagangai daily at 10.30 am., for a period of four weeks for completing committal proceedings. Thereafter, he shall appear before the Sessions Court on all hearing dates, till the disposal of the criminal case;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

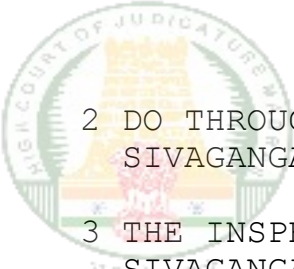
sd/-

05/02/2019

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.R.SURESHKUMAR Advocate SR.No. 2538

ORDER

IN

CRL OP (MD) No.1549 of 2019

Date :05/02/2019

JM/VR/SAR 2/12.02.2019/3P/6C