



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.1570 of 2019

K.BALAMURUGAN

... PETITIONER/ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
PULIANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO.398 OF 2017.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.G.THALAIMUTHARASU, 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 petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 147 of IPC and Section 3 of TNPPDL Act in Crime No.398 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel arose between the petitioner's party men and the defacto complainant's men as their vehicles were caused hindrance to the defacto complainant.

3.The learned counsel for the petitioner would submit that the petitioner was already granted anticipatory bail by this Court in Crl.O.P.(MD).No.19540 of 2018 dated 31.10.2018. Since the petitioner did not execute sureties within the stipulated time, he has unable to furnish sureties for the first time, the second anticipatory bail petition has been filed.

4.The learned Government Advocate (Criminal Side) would submit that this is the second anticipatory bail application.



5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is 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 his appearance, before the learned Judicial Magistrate, Sivagiri 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] the petitioner shall appear before the respondent police as and when required for interrogation.

[b] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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,
SIVAGIRI, TIRUNELVELI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT
<https://hcservices.ecourts.gov.in/hcservices/>



3 THE INSPECTOR OF POLICE,
PULIANGUDI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to MR.G.THALAIMUTHARASU, Advocate SR.No.2340

ORDER

IN

CRL OP(MD) No.1570 of 2019

Date :31/01/2019

SJI/TRP

PK/JC/SAR-1/08.02.2019 : 3P/6C