



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

Friday, the Fifteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1709 of 2019

G.KANNAN

... PETITIONER / ACCUSED NO KNOWN

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
D3 AVANIYAPURAM POLICE STATION,
AVANIYAPURAM, MADURAI DISTRICT.
(CRIME NO. 176 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.D.JOHNSON 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 apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 506(i) IPC, in Cr.No.176 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is an employee of Velammal Medical College Hospital. On 25.12.2015, he handed over the certificates belonging to one Vishnupriya without the consent of Management. Thereafter, the said Vishnupriya not handed over the same to the Office. For which, the management questioned the petitioner and disciplinary action was initiated against him. On 25.01.2019, he was directed to appear before the enquiry committee. The petitioner herein has appeared before the said committee, in which one of the committee member Mr.Manivannan was abused by the petitioner in all possible filthy language and threatened him, for which Hospital Management filed a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner respondent police registered a case against the petitioner herein for the offences punishable under Sections 294(b), 506(i) IPC and no further serious action against the petitioner



herein has been taken. Already, disciplinary proceedings was initiated against the petitioner herein.

5.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the investigation is still pending.

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6.Considering the facts and circumstances of this case and since there are no serious allegations against the petitioner, 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.VI, Madurai, Madurai District, 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 his Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30.am., until further orders.

(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 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;

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

sd/-
15/02/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO-VI,
MADURAI, MADURAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSEPCTOR OF POLICE,
D3 AVANIYAPURAM POLICE STATION,
AVANIYAPURAM,
MADURAI DISTRICT.

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

+1. CC to Mr.C.D.JOHNSON Advocate SR.No.3193

PS/JC/SAR-3/20.02.2019/3P/6C

ORDER

IN

CRL OP (MD) No.1709 of 2019

Date :15/02/2019