



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1710 of 2019

B.MANOJ KUMAR

... PETITIONER / ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION,
MADURAI.
Crime No. 37 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.BHARATHI 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 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 379 I.P.C, in Crime No.37 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that on 19.01.2019, the petitioner along with other accused stolen the defacto complainant's two wheeler. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Due to some previous enmity between the petitioner and the defacto complainant, the defacto complainant gave a false complaint as against the petitioner herein.

4. The learned Government Advocate (Criminal Side) would submit that enquiry is still pending.

5. Considering the facts and circumstances of the case and also considering the rival submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner.



6. Accordingly, the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) to the Rojavanam Oldage Home, Utthagudi, Melur Main Road, Madurai and on such deposit, 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.V, Madurai, 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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/-
01/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO V,
MADURAI.

2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



3. THE INSEPECTOR OF POLICE
S.S.COLONY POLICE STATION,
MADURAI.

4. THE OFFICER INCHARGE,
ROJAVANAM , OLDAGE HOME, UTTANGUDI,
MELUR MAIN ROAD, MADURAI.

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

+1. CC to Mr.S.BHARATHI Advocate SR.No.2123

ORDER

IN

CRL OP(MD) No.1710 of 2019

Date :01/02/2019

TK/PN/SAR-3/11.02.2019/3P/7C