



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

Tuesday, the Twelfth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1992 of 2019

ESAKKU

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.3/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.INDRACHITHU 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 / A1, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 417 and 420 of IPC in Crime No.3 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is running a Sound Service Company and let out the sound service objects like Sound Speaker, radio, serial bulbs etc., to the petitioner and other two persons on rental basis. However, the petitioner and other two persons refused to return the above material objects, for which, the respondent police registered the case.

3.The learned counsel for the petitioner would submit that the petitioner and another two persons are the employees of the Sound Service Company of the defacto complainant. For several months, the defacto complainant did not give salary to the petitioner and other two persons. When the same was questioned by the petitioner and other two persons, the defacto complainant lodged a false



complainant as against them. Accordingly, the learned counsel prayed for bail to the petitioner and the learned counsel further contended that the petitioner is ready to

abide by any of the conditions that is to be imposed by this Court.

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

5. Considering the facts and circumstances of the case and considering the allegation levelled 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, Nanguneri, Tirunelveli 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 their 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) the petitioner shall report before the respondent police daily at 10.30 a.m., 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 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]**; and;

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

sd/-

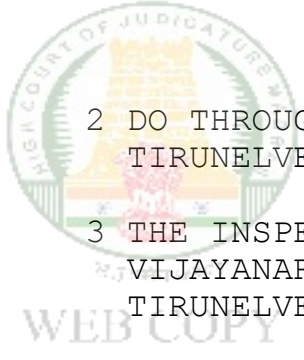
12/02/2019

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

TO

1 THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
NANGUNERI, TIRUNELVELI DISTRICT.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

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

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

+1 CC to M/s.T.INDRA CHITHU, Advocate SR-2988

ORDER

IN

CRL OP (MD) No.1992 of 2019

Date :12/02/2019

JM/PN/SAR 1/22.02.2019/3P/6C