



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

Thursday, the Fourteenth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2313 of 2019

GURU

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE,  
SIPCOT POLICE STATION,  
THOOTHUKUDI DISTRICT  
(CRIME NO.546/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.SELVA, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,  
Government Advocate (Crl.Side)

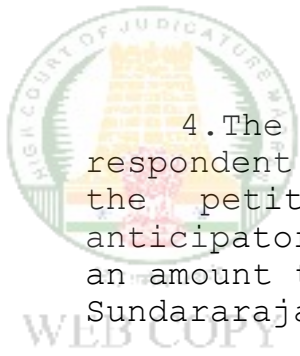
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 379 IPC in Cr.No.546 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant preferred a complaint before the respondent police as if his two wheeler was missing and thereby, the Law Enforcing Agency registered a case against the five accused persons.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. He would further submit that A1 & A2 were arrested and released on bail and A3 & A4 were enlarged with anticipatory bail by this Court with condition that the accused shall deposit a sum of Rs.10,000/- to the credit of Rojavanam and hence, he would pray for anticipatory bail to the petitioner.



4.The learned Government Advocate(Crl.side) appearing for the respondent police vehemently opposed to grant anticipatory bail to the petitioner, however, he has no objection in granting anticipatory bail to the petitioner by imposing condition to deposit an amount to the credit of the Blind School, Alagar Kovil Main Road, Sundararajan Patti, Madurai.

5.The learned counsel for the petitioner, on instructions, would submit that the petitioner is ready to deposit any amount to the credit of the above said Blind School, without prejudice to his defence before the trial Court.

6.Considering the facts and circumstances of the case and considering the fact that the co-accused were enlarged with bail, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.10,000 (Rupees Ten Thousand Only) to the credit of the Blind School, Alagar Kovil Main Road, Sundararajan Patti, Madurai, without prejudice to his defence before the trial Court and shall produce the payment receipt before the lower Court.

7.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 Court No.III, Thoothukudi, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Blind School, Alagar Kovil Main Road, Sundararajan Patti, Madurai, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the receipt, shall accept the sureties furnished by the petitioner;

(c)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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
14/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III,  
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TUTICORIN.
- 3 THE INSPECTOR OF POLICE,  
SIPCOT POLICE STATION,  
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.MALAIYENDRAN, Advocate SR-3150

COPY TO:  
THE OFFICER INCHARGE,  
BLIND SCHOOL,  
ALAGAR KOVIL MAIN ROAD,  
SUNDARARAJAN PATTI, MADURAI.

ORDER  
IN  
CRL OP(MD) No.2313 of 2019  
Date :14/02/2019

JM/PN/SAR 1/20.02.2019/3P/7C