



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

Thursday, the Fourteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2357 of 2019

ANISH

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.530/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.RAJESH 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 offences under Sections 341, 294 (b), 332, 427 and 506(i) I.P.C. in Cr.No.530 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is the Mini Bus driver and without permit, he plying the Mini Bus in the non-permitted route, for which he was intercepted by the transport authorities and he abused and attacked the transport authorities. Therefore, the transport corporation has lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and the petitioner is the driver. However, on instructions, he would submit that the petitioner is ready to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of Crime No.530 of 2018. Thereafter, the said amount will be transferred in favour of the transport department without prejudice to the rights of the petitioner.



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

5.Considering the facts and circumstances of the case and in view of the undertaking given by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. 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 No.I, Kuzhithurai, 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 deposit a sum of Rs.25,000/- to the credit of Crime No.530 of 2018 within a period of two weeks from the date of receipt of a copy of this order without prejudice to the rights of the petitioner and thereafter, the concerned Magistrate is directed to transfer the same to the Transport Corporation Department;

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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 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;

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

sd/-

14/02/2019

/ TRUE COPY /

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

TO



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE SUB INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.R.RAJESH, Advocate (SR-3168 dated 15/02/2019)

ORDER

IN

CRL OP (MD) No.2357 of 2019

Date :14/02/2019

JM/PN/SAR 4/15.02.2019/3P/6C