



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

Tuesday, the Fifth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3384 of 2019

MUTHUKUMAR

... PETITIONER / SOLE ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
MANAPARAI POLICE STATION,
PUDUKOTTAI DISTRICT
(CRIME NO.449/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.PRABU 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 229(A) of IPC in Cr.No.449 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The petitioner was enlarged on bail by the trial court in C.C.No. 122 of 2017 in Crime No. 814 of 2016 on 19.07.2017 and subsequently after release on bail, the petitioner did not appear before the trial court for hearing for which the present FIR came to be registered under Section 229(A) of IPC.

3.The learned counsel appearing for the petitioner would submit that due to ill health the petitioner did not appear before court for which the present FIR came to be registered.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that due to non- compliance of the earlier order, the present case came to be registered.

4.Considering the facts and circumstances of the case 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, Manaparai 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:

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(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 report before the trial court on all hearing dates with out fail and on further condition that the petitioner shall respond to police daily at 5.30 p.m for a period of two weeks;

(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]**; and;

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

sd/-

05/03/2019

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

TO

1 THE JUDICIAL MAGISTRATE, MANAPARAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
PUDUKOTTAI

3 THE INSPECTOR OF POLICE
MANAPARAI POLICE STATION, PUDUKOTTAI DISTRICT

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

+1. CC to MR.M.PRABU Advocate SR.No.4257

ORDER

IN

CRL OP(MD) No.3384 of 2019

Date : 05/03/2019