



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

Friday, the Twenty Second day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4370 of 2019

MAHENDRAN

... PETITIONER / ACCUSED No. 14

Vs

STATE, REP. BY
THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.
CR.NO.246 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.S.DURAIPANDIAN Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

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 Sections 147,148,341,324,307,302 of IPC r/w. Section 3 of IES Act in Cr.No.246 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner along with others are said to have made assault on the defacto complainant and deceased Prakash Kumar by throwing a Country bomb at a vehicle with a intention to murder one Thamba Karthi in which the said Prakash kumar died. Hence the complaint

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 also submit that in Cr1.O.P(MD) No. 2888 of 2019, this Court dismissed the anticipatory bail filed by the petitioner. However the Co-accused granted Anticipatory Bail, in view of the Change of Circumstances. He prayed for bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the investigation is pending. He would also submit that co- accused in this case was granted



anticipatory bail by this Court in CrI.O.P(MD) No.3104 of 2019, dated 28.02.2019.

5. Considering the facts and circumstances of the case and also considering the fact that co-accused was granted anticipatory bail, 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, Pattukottai 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 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]**; and;

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

sd/-

22/03/2019

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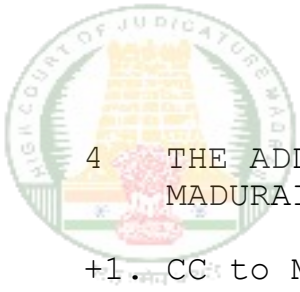
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE
PATTUKOTTAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT



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

+1. CC to MR.K.S.DURAIPANDIAN Advocate SR.No.5471

WEB COPY

ORDER

IN

CRL OP(MD) No.4370 of 2019

Date :22/03/2019

MSI/JC/SAR 3/26.03.2019/3P-6C