

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

Monday, the Twenty Fifth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4392 of 2019

B.PURUSHOTHAMAN

... PETITIONER / ACCUSED - 2

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
PUTHANATHAM POLICE STATION, MANAPARAI TALUK,
TRICHY DISTRICT.
(CRIME NO.39 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.R.KANNAN for Mr. S.R. SURESHKUMAR 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 apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 342, 420, 364 (A) of IPC in Cr.No.39 Of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is arrayed as A2. The defacto complainant possesses a huge amount of money. The petitioner and the other accused persons demanded a sum of Rs.8,00,000/- from the defacto complainant. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence and he would further submit that A1 was already arrested and released on bail and no amount was transferred between the defacto complainant and the accused persons.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that there is no previous case against the petitioner and since A1 was already arrested and released on bail, this Court may be considered the anticipatory bail

application of the petitioner.

5.Considering the facts and circumstances and considering the fact that since A1 was already released on 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, 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:

(a)the petitioner and the sureties shall affix his 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/-
25/03/2019

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

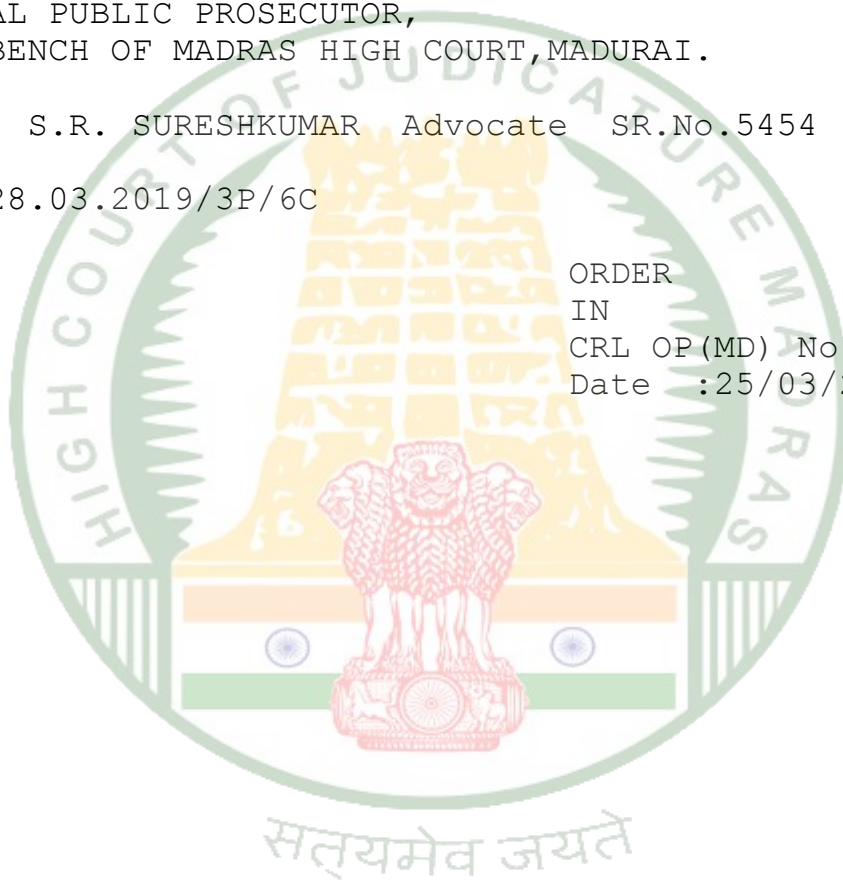
TO

- 1 THE JUDICIAL MAGISTRATE,
MANAPARAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE,
PUTHANATHAM POLICE STATION, MANAPARAI TALUK,
TRICHY DISTRICT.
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR. S.R. SURESHKUMAR Advocate SR.No.5454

PS/VR/SAR-4/28.03.2019/3P/6C

ORDER
IN
CRL OP(MD) No.4392 of 2019
Date :25/03/2019



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