



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

Thursday, the Fourth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5140 of 2019

KATTURAJA

... PETITIONER / ACCUSED NO.3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
TAMILNADU RAILWAY POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT.
CRIME NO.3 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. A. BANUMATHY 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 apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 353 and 506(i) of I.P.C, in Crime No.3 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there is a wordy quarrel between the petitioner and the gate keeper in the level crossing in the village. Hence, he lodge a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner is A3. A1 was already released on anticipatory bail by this Court in Crl.OP(MD)No.955 of 2019 dated 24.01.2019. Subsequently, this petitioner/A3 and A2 filed an anticipatory bail petition before this Court in Crl.OP(MD)No.1453 of 2019 dated 31.01.2019. At the time of hearing, the learned Public Prosecutor stated that A2 was arrested. Hence, anticipatory bail application of A2 was withdrawn by the counsel on record and this Court granted anticipatory bail to this petitioner. But, in the order copy, it has been inadvertently typed as A3/2nd petitioner was arrested and anticipatory bail was granted for A2/1st petitioner instead of A2/1st petitioner was arrested and anticipatory bail was granted for A3/2nd petitioner. Hence, the petitioner/A3 was not able to surrender before the learned Judicial Magistrate, Manamadurai and produce the



sureties. Therefore, he filed this second anticipatory bail petition before this Court and prayed for anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent did not dispute the above submission of the learned counsel for the petitioner.

6. Considering the facts and circumstances of the case and since inadvertently typographical error, anticipatory bail was granted to A2/1st petitioner instead of A3/2nd petitioner, 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, Manamadurai, 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 learned Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30.am., 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 petitioners 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;

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

sd/-

04/04/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
MANAMADURAI.

<https://hcservices.ecourts.gov.in/hcservices/>

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.



3 THE INSPECTOR OF POLICE,
TAMILNADU RAILWAY POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.A. BANUMATHY, Advocate (SR-6336[I] dated 08/04/2019)

ORDER

IN

CRL OP(MD) No.5140 of 2019

Date :04/04/2019

JM/PN/SAR 2/10.04.2019/3P/6C