



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

Friday, the Twelfth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5550 of 2019

RAMU ... PETITIONER /7TH ACCUSED
(Wrongly mentioned in FIR as Rasu)

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.36 OF 2019) ... RESPONDENT / RESPONDENT

For Petitioner : MR.K.RAJESHWARAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

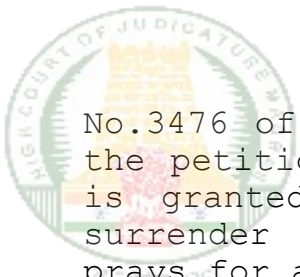
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 147, 341, 294(b) and 353 of IPC in Crime No.36 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Village Administrative Officer. As per the directions of this Court in W.P.(MD).No.274 of 2019 they went for measuring the property belonging one Ramesh S/o.Ramasamy, the petitioner along with others assembled together and prevented the defacto complainant to measure the property for which the defacto complainant preferred a complaint to 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. He would further submit that this is the second bail application. Earlier, anticipatory bail was granted by this Court dated 07.03.2019 in Crl.O.P.(MD).



No.3476 of 2019 and the petitioner's name was wrongly mentioned in the petition as well as in the FIR also. Despite anticipatory bail is granted, based on the aforesaid ground, he is not able to surrender his sureties before the learned Magistrate. Hence, he prays for anticipatory bail.

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

5.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, Devakottai, Sivagangai District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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/-
12/04/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
DEVAKOTTAI, SIVAGANGAI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to MR.K.RAJESHWARAN Advocate SR.No.6786

ORDER

IN

CRL OP(MD) No.5550 of 2019

Date :12/04/2019

AE/PN/SAR-II/22.04.2019/3P/6C