

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

Tuesday, the Fourth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.6613 of 2019

D.JEYASEELAN

... PETITIONER / ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
KODAIKANAL,
DINDIGUL DISTRICT.
CRIME NO.39 OF 2019.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.KANNAN Advocate

For Respondent : Mrs.M.ANANTHA DEVI, 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 offences punishable under Sections 354 and 506(ii) of IPC, in Crime No.39 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that already the petitioner has moved this Court seeking anticipatory bail in Crl.O.P(MD)No.593 of 2019 in which, this Court has granted anticipatory bail, by the order dated 01.02.2019. He further submitted that in the said order, this Court directed the petitioner to surrender before the concerned Magistrate within 15 days and execute a bond, failing which, the said order would stand automatically cancelled. He further submitted that before surrendering before the concerned Magistrate, the victim committed suicide and hence, another case was registered against the petitioner herein in Cr.No.53 of 2019 under Section 306 IPC and in that case, the petitioner was arrested on 09.02.2019 and remanded to the judicial custody. He further submitted that the petitioner was released on bail in that case only on 12.04.2019 by the learned

Judicial Magistrate, Kodaikanal, as charge sheet has not been filed within the stipulated time. He further submitted that in pursuance of the said order, he came out on bail by executing a bond. He further submitted that since a previous case is pending in Cr.No.39 of 2019 and anticipatory bail order which was granted by this Court in Cr1.O.P(MD)No.593 of 2019 was already expired, the petitioner has come forward with the present petition seeking anticipatory bail in Cr.No.39 of 2019 for the alleged offences punishable under Sections 354 and 506 (ii) IPC.

4.The learned Government Advocate (Criminal Side) appearing for the respondent has fairly conceded that already, this Court has granted anticipatory bail in Cr1.O.P(MD)No.593 of 2019, vide order, dated 01.02.2019. She also conceded that after passing of the said order, the victim committed suicide and hence another case was registered against the petitioner in Cr.No.53 of 2019. Subsequently, the petitioner was arrested and remanded to judicial custody on 09.02.2019 and he was released on bail only on 12.04.2019. However, she opposed the petition for granting anticipatory bail on the ground that the investigation is still pending.

5.Taking into consideration of the aforesaid fact that already this Court has granted anticipatory bail to the petitioner by an order dated 01.02.2019 and subsequently, the petitioner was arrested in another case in Cr.No.53 of 2019 and remanded to judicial custody on 09.02.2019 and he was released on bail only on 12.04.2019 and because of the said developments, he could not comply with the direction of this Court passed in Cr1.O.P(MD)No.593 of 2019 dated 01.02.2019, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 Court, Kodaikanal District on condition that the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

sd/-

04/06/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
KODAIKANAL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
- 3 THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
KODAIKANAL, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.KANNAN, Advocate (SR-9100[I] dated 04/06/2019)

WEB COPY

ORDER
IN

CRL OP(MD) No.6613 of 2019
Date :04/06/2019

JM/VR/SAR 3/13.06.2019/3P/6C