

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

Date : 13/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.6792 of 2019

Priuthiviraj @ Sadam

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
Vasudevanallur Police Station,
Tirunelveli District.
Cr.No.128 of 2019.

... Respondent/Complainant

For Petitioner : M/s.P.Saravanakumar,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For anticipatory bail in cr.no.128 of 2019 on the file of the
respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the
respondent police for the offence punishable under section 379 of
IPC, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that the petitioner is an innocent person and he has been
falsely implicated in the above said case. He further submitted
that even as per the First Information Report, the petitioner had
illegally transported $\frac{3}{4}$ unit of river sand in Tractor and no
previous case is pending against the petitioner and therefore, he
prayed for granting anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) appearing for the
respondent has submitted that already one case under Section 506(2)
of IPC is pending against the petitioner and hence, she strongly
opposed this petition. However, she fairly conceded that no similar
type of case is pending against the petitioner.

5. Taking into consideration the fact that no similar type of case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Sivagiri 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall deposit a sum of Rs.12,500/- (Rupees Twelve thousand and Five hundred only) to the credit of Crime No.128 of 2019 before the learned Judicial Magistrate, Sivagiri, without prejudice his defence before the trial Court;

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

(iii) 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.

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

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

(vi) 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].

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

sd/-
13/06/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,SIVAGIRI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3.THE INSPECTOR OF POLICE
VASUDEVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT

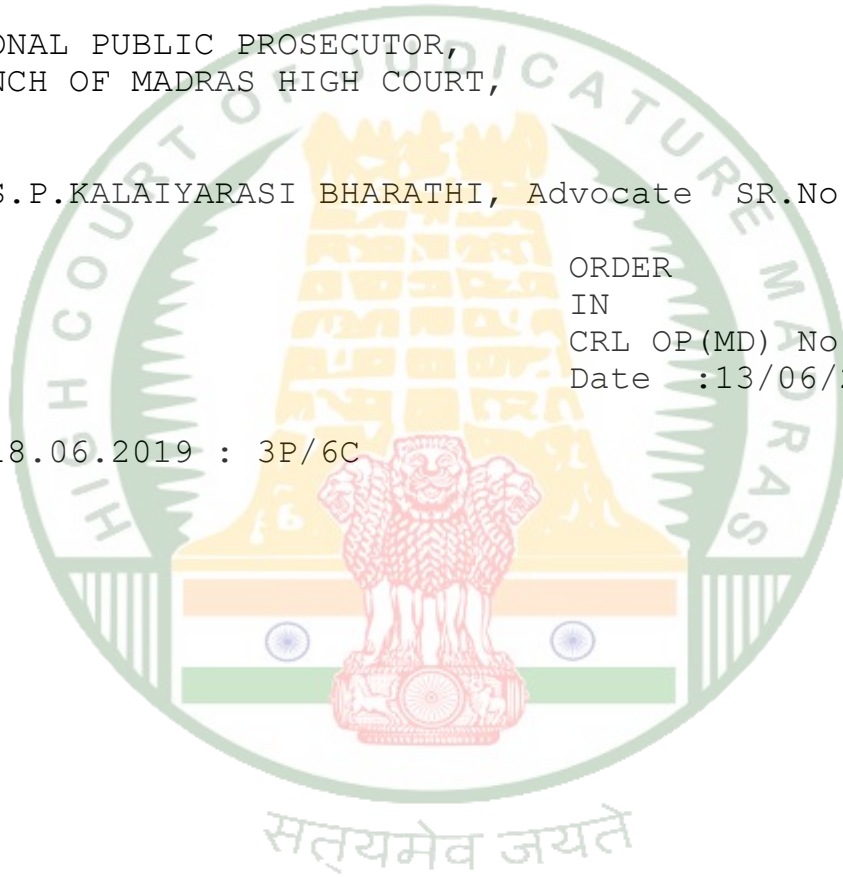
4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.P.KALAIYARASI BHARATHI, Advocate SR.No.9837

ORDER
IN
CRL OP(MD) No.6792 of 2019
Date :13/06/2019

SJI

PK/PN/SAR-1/18.06.2019 : 3P/6C



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