

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.6884 of 2019

MURUGAN

... PETITIONER / ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.350 OF 2011

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.SIVASUBRAMANIAN, Advocate

For Respondent : Mr.R.ANADARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 307 and 506(ii) of I.P.C., in Crime No. 350 of 2011, seeks anticipatory bail.

2. The case of the petitioner is that he is a sole accused in S.C.No.147 of 2014 on the file of the learned Assistant Sessions Judge, Valliyoor. On 20.12.2018, when the above case was posted for trial, the petitioner could not able to attend the Court. Hence, the trial Judge has issued a Non-Bailable warrant against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and that the petitioner is not at all aware of the proceedings in the case.

4. In otherwise, the learned Additional Public Prosecutor did not raise any specific allegation against the petitioner in respect to the appearance before the Trial Court. However, he fairly concealed previously before 20.12.2018, the petitioner regularly appeared before the trial Court.

5. The submissions made by the learned counsel appearing on either side are considered.

6. The learned counsel for the petitioner undertakes that the petitioner shall appear before the trial Court in future hearings and co-operate with the trial.

7. Now on go through the case of the prosecution, it appears that the petitioner is a sole accused in S.C. No.147 of 2014 pending on the file of the learned Assistant Sessions Judge, Valliyoor. Pending enquiry on 20.12.2018, the learned Assistant Sessions Judge issued non bailable warrant against the petitioner for the non-appearance of the petitioner. Aggrieved over the same, the petitioner approached this Court by way of filing this petition. On the other hand, the learned Additional Public Prosecutor has not raised any objection for allowing this petition. In the said circumstances, since the investigation is completed, custodial interrogation may not be required for further proceedings. Further, there is no report from the prosecution, about the previous bad antecedents of the petitioner. More than that the submission of the learned Additional Public Prosecutor reveals that previously the petitioner was regularly appeared the Court proceedings.

8. 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 Assistant Sessions Judge, Valliyoor, on condition that the petitioner shall execute a bond for a sum of Rs.30,000/- (Rupees Thirty 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 as well as the sureties shall submit a copy of their Aadhar card or any other Identity cards issued by the Government, in proof of their address, along with the surety bonds.

(ii) the petitioner shall report before the learned Assistant Sessions Judge, Valliyoor, daily at 10.00 a.m., until further orders.

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

(iv) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A of I.P.C.

<https://hcservices.ecourts.gov.in/hcservices/>
(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand

automatically cancelled and 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]**.

sd/-

29/05/2019

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

TO

1. THE ASSISTANT SESSIONS JUDGE,
VALLIYOOR.
 2. THE INSPECTOR OF POLICE,
NANGUNERI POLICE STATION,
TIRUNELVELI DISTRICT.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to Mr.A.SIVASUBRAMANIAN Advocate SR.No.8809

ORDER
IN

CRL OP(MD) No.6884 of 2019
Date :29/05/2019

MS/VR/SAR-3/04.06.2019/3P.5C

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