



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

Thursday, the Sixteenth day of May Two Thousand and Nineteen

WEB COPY

PRESENT

The Hon'ble Mr Justice B.PUGALENDHI

CRL OP(MD) No.6911 of 2019

S.NIRMAL RAJ

... PETITIONER/ ACCUSED No.3

Vs

STATE REB.BY ITS,
THE INSPECTOR OF POLICE,
VALLIYOOR POLICE STATION,
TIRUNELVELI DISTRICT,
(CRIME NO.130 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.THIRUVADI KUMAR Advocate

For Respondent : Mr.A.Robinson, Govt. Advocate (Crl. Side)

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

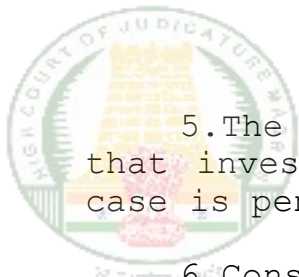
ORDER : The Court Made the following order :-

The petitioner/accused no.3 who apprehends arrest at the hands of the respondent Police, in connection with Crime No.130 of 2019, for the offence punishable under Sections 509, 506(i) of IPC r/w. 109 IPC, seeks anticipatory bail.

2.Heard Mr.A.Thiruvadikumar, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl.Side) appearing for the State.

3.The case of the prosecution is that due some misunderstanding between the partners the petitioner herein has thrown away the husband of the defacto complainant from the firm and he was threatened to leave Dubai.

4.The learned counsel for the petitioner submitted that except the offence punishable under Section 506(i) IPC, all other offences are bailable in nature. He would also submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.



5. The learned Government Advocate (Crl. Side), would submit that investigation is pending. He would also submit that no other case is pending against the petitioner.

6. Considering the facts and circumstances of the case, the only non-bailable offence is punishable under Section 506(i) IPC and considering the fact that there is no case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. 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 on which the order copy was made ready before the learned Judicial Magistrate, Valliyoor, on condition that the petitioner shall execute a separate 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 and on further conditions that:-

[a] 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.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper the evidence or witness either during investigation or trial.

[d] 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 absconds, the respondent police shall register a case as provided under Section 229-A IPC.

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

Sd/-
16/05/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR,
TIRUNELVELI DISTRICT.



2 DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

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

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

+1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.8570

ORDER
IN
CRL OP(MD) No.6911 of 2019
Date :16/05/2019

ES/KK/PN/17.05.2019/4P/6C