



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 03/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7105 of 2019

Gnanapparakasam

... Petitioners/Accused Rank Not Known

Vs

The Inspector of Police,
Gangaikondan Police Station,
Thirunelveli District.
(Crime No.76 of 2019).

... Respondent/Complainant

For Petitioner : Mr.V.Selva, Advocate.

For Respondent : Mrs.M.Ananthadevi,
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 offences punishable under Sections 379, 294(b) and 506(ii) of IPC, in Crime No.76 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner's name is not found place in the F.I.R. He further submitted that the petitioner has been implicated in the above case only based on the confession said to have been given by the accused No.1. He further submitted that the petitioner is an innocent and accused Nos.1 to 3 were arrested and remanded to judicial custody and subsequently, they were released on bail and hence, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent has submitted that even though the petitioner's name is not mentioned in the F.I.R., during the



investigation, the accused No.1 was arrested and in his confession, he has stated that the petitioner herein is the Driver of the JCB and the said JCB has been used for loading river sand in a Tipper Lorry and therefore, he prayed for dismissal of the petition.

5. Considering the fact that the name of the petitioner is not mentioned in the F.I.R and only based on the confession given by the accused No.1, the petitioner herein has been implicated in this case and also considering the fact that already accused Nos.1 to 3 were arrested and subsequently, they were released on bail and no previous 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 No.III, Tirunelveli, Tirunelveli District, 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) 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/-

03/06/2019

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



To

1 THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

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

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

+1. C.C. to M/S.V.SELVA, Advocate SR.No. 9097

ORDER

IN

CRL.OP.(MD)No.7105 of 2019

Date : 03/06/2019

JM/VR/SAR 3/04.06.2019/3P/6C