

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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.7142 of 2019

K.SUBBARAJ

... PETITIONER/ACCUSED No.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.109/2019)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.M.JEGADEESHAPANDIAN, Advocate

For Respondent : Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/All who is apprehending arrest at the hands of the respondent police for the alleged offence under Sections 417,420,379 and 506(i) of IPC in crime No. 109 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner has stolen the RC book of the defacto complainant's two wheeler and pledged the same for Rs.37,000/-

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. He would further submit that inorder to show his bonafide the petitioner is also prepared to deposit Rs.10,000/-

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that co- accused in this case was granted anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner has come forward to deposit Rs.10,000/-, 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 their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sankarankovil 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of crime number 109 of 2019, on the file of the learned Judicial Magistrate, Sankarankovil and thereafter sureties shall be accepted.

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m until furthers

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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]**; and;

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

sd/-
16/05/2019

/ TRUE COPY /

TO

1.THE JUDICIAL MAGISTRATE, SANKARANKOVIL

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI

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

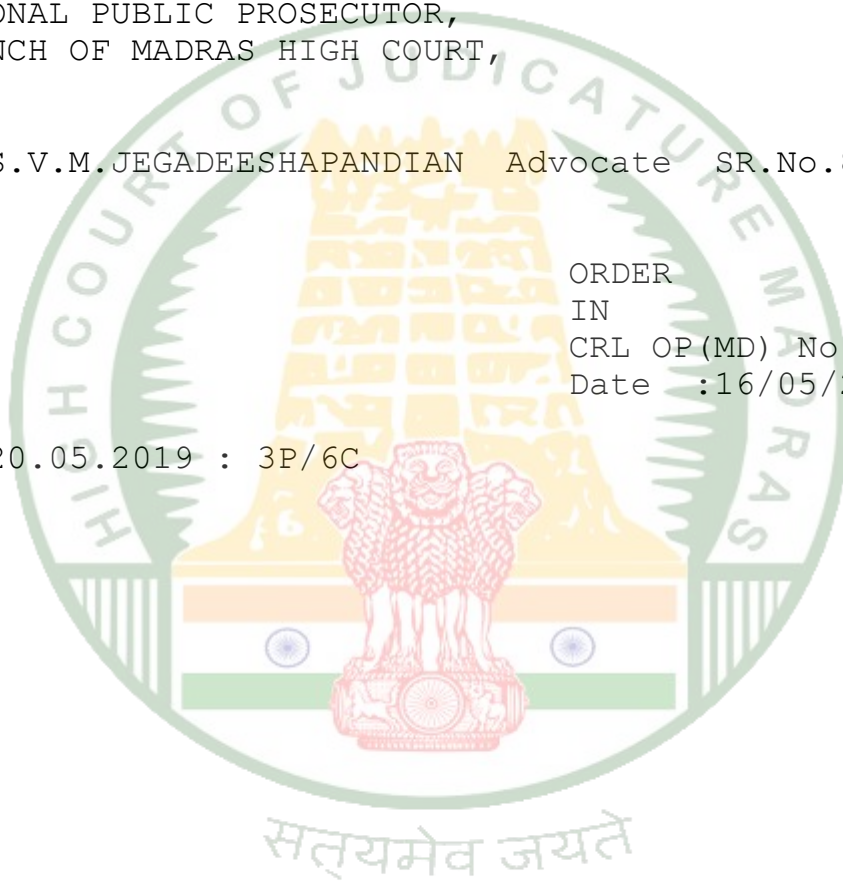
4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.V.M.JEGADEESHAPANDIAN Advocate SR.No.8552

ORDER
IN
CRL OP(MD) No.7142 of 2019
Date :16/05/2019

AAV

PK/JC/SAR-2/20.05.2019 : 3P/6C



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