



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

Monday, the Twenty First day of January Two Thousand Nineteen

WEB COPY

PRESENT

THE HON`BLE MR.JUSTICE M.NIRMAL KUMAR

CRL OP(MD) No.757 of 2019

VIJAY @ VIJAYA KUMAR ... PETITIONER / 4TH ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT,
(CRIME NO. 11 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.RAJESHWARAN Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 341, 323, 324 and 506(i) I.P.C in Crime No.11 of 2008, seeks anticipatory bail.

2. The case of the petitioner is that the petitioner has been arrayed as accused in this case in Cr.No.11 of 2018. Subsequently, in this case, charge-sheet has been filed in C.C.No.76 of 2018 before the learned Judicial Magistrate, Devakottai, wherein, the petitioner has been shown as 'absconding accused.' Thereafter, non-bailable warrant was issued against him due to his non-appearance.

3. The learned counsel appearing for the petitioner would submit that the petitioner has no knowledge about the pendency of this case and he has not committed any offence. However, the learned counsel undertakes that the petitioner is ready to co-operate with the trial. Hence, he prayed for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that due to the non-appearance of the petitioner before the trial court, non-bailable warrant was issued against him.



5. Considering the above submissions, 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, before the learned Judicial Magistrate, Devakottai 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 learned Magistrate concerned and on further condition that;

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the concerned trial court on all hearing dates.

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

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, DEVAKOTTAI.

2 THROUGH THE CHIEF JUDICIAL MAGISTRATE, DEVAKOTTAI.

3 THE INSPECTOR OF POLICE
DEVAKOTTAI TOWN POLICE STATION, SIVAGANGAI
DISTRICT.



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

+1. CC to M/S.K.RAJESHWARAN Advocate SR.No.1066

ORDER
IN
CRL OP(MD) No.757 of 2019
Date :21/01/2019

TR/PN/SAR-IV(24.01.2019) 6C 3P