



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

Friday, the Seventh day of June Two Thousand Nineteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7577 of 2019

PRAKASH

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.146 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.ANANDA RAJ Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government 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 Section 392 IPC., in Crime No. 146 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that already one case under Section 302 IPC and two cases under Section 307 IPC pending against the petitioner herein and only with a view to detain the petitioner under the Goondas Act, the petitioner has been implicated in the aforesaid cases. He further submitted that only based on the confession given by the accuse No.2, the petitioner has been implicated in the above case. He further submitted based on the confession given by the accused No.2, already the properties which were involved in the aforesaid cases have been recovered and therefore there is no evidence to link the petitioner with the aforesaid crimes. He further submitted that the petitioner has committed any offence and therefore he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the based on the confession given by the accused No.2, the properties involved in the aforesaid cases were already recovered and further the petitioner herein also implicated in the above case. She further submitted that



already a case under Section 302 IPC and two cases under Section 307 IPC pending against the petitioner and therefore, she strongly opposed this petition.

5. Taking into consideration of the fact that only based on the confession given by the accused No.2, the petitioner has been implicated in the above case and also the fact that already the property was recovered from the accused No.2, 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.II, Ramanathapuram, Ramanathapuram 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/-

07/06/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.A.ANANDA RAJ Advocate SR.No. 9305

ORDER
IN
CRL OP (MD) No.7577 of 2019
Date :07/06/2019

JM/JC/SAR 2/19.06.2019/3P/6C