



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.759 of 2019

VELLADURAI

... PETITIONER / 3rd ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PULIYANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.285/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.RAMASAMY 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 :-

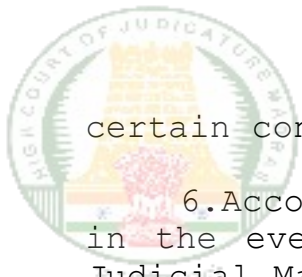
The petitioner/3rd Accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 457 and 380 I.P.C in Crime No.285 of 2016, seeks anticipatory bail.

2. The case of the petitioner is that the petitioner has been arrayed as third accused in this case in Cr.No.285 of 2016. Subsequently, in this case, charge-sheet has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent 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 in this case, charge-sheet has been filed and it is yet to be taken on file.

5.Considering the above submissions and also considering the fact that in this case, charge-sheet has been filed, 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, Sivagiri 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, SIVAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION, TIRUNELVELI

DISTRICT



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

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TR/PN/SAR-IV (24.01.2019) 5C 3P

ORDER

IN

CRL OP(MD) No.759 of 2019

Date :21/01/2019