



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 17/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7714 of 2019

M.Arumugam @ Viragu Aurmugam

... Petitioner/Accused
No.1

Vs

The State rep.by
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli.
(Crime No.173/2019).

... Respondent/Complainant

For Petitioner : Mr.R.Krishnan,
Advocate.

For Respondent : Mr.V.Neelankandan,
Additional Public Prosecutor.

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

PRAYER :-

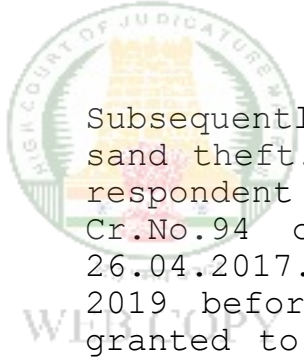
For Anticipatory Bail in Crime No.173/2019 on the file of the respondent police.

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 341, 294 (b), 353, 307 and 506 (2) IPC, in Crime No.173 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that even as per the FIR, on 30.05.2019, based on the secret information, the respondent police/defacto complainant engaged in vehicle check up along with other police personnel at Kombanthanoor village, Tirunelveli District and they seized the Maruthi Swift car with river sand.



Subsequently, the respondent police registered a case with regard to sand theft. He further submitted that on earlier occasion, the same respondent police registered a case against the petitioner in Cr.No.94 of 2019 under Section 379 of IPC (sand theft) on 26.04.2017. The petitioner filed a petition in CrI.OP(MD)No.7591 of 2019 before this Court and on 30.05.2019, anticipatory bail was granted to him. On the very same day, again the respondent police registered the present case in the above said crime number with bad intention, and hence, he prayed anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that when the police party intercepted the car bearing Reg.No.TN 69 AF 7273 for vehicle checking, the petitioner who was driving the said car attempted to commit murder by dashing against the defacto complainant. He further submitted that already one case of sand theft is pending against the petitioner and hence, he strongly opposed this petition. However, he fairly conceded that no one sustained any injury.

5.The defacto complainant is the Sub Inspector of Police, and he already registered a case against the petitioner in Cr.No.94 of 2019 under Section 379 IPC (sand theft). Subsequently, the petitioner filed a petition in CrI.OP(MD)No.7591 of 2019 before this Court and on 30.05.2019, anticipatory bail was granted to the petitioner. On the very same day, the present case has been registered by the same defacto complainant. No one sustained any injury. Considering the aforesaid facts, 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, 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.

<https://hcservices.ecourts.gov.in/hcservices/> (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/-
17/06/2019

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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 District.
- 2.The Chief Judicial Magistrate,
Tirunelveli District
- 3.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli..
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.KRISHNAN, Advocate (SR-9821[I] dated 17/06/2019)
+1 CC to M/s.R.KRISHNAN, Advocate (SR-9956[I] dated 18/06/2019)

ORDER
IN
CRL OP(MD) No.7714 of 2019
Date : 17/06/2019

dss
TK/JC/SAR.3/24.06.2019/3P/7C