



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 07/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7749 of 2019

Arockyasamy

... Petitioner/Sole Accused

-Vs-

State Rep.by
The Inspector of Police,
Manapparai Police Station,
Trichy District.
Cr.No.171 of 2019.

... Respondent/ Respondent

For Petitioner : M/s.A.Vadivel,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For anticipatory bail in cr.no.171 of 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 Section 229 A of IPC., in Crime No. 171 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that in a case which was filed under Section 138 of Negotiable Instruments Act in STC.No.184 of 2018, the petitioner could not appear before learned Judicial Magistrate, Manapparai on 23.04.2019. Hence, the learned Judicial Magistrate, Manapparai has issued N.B.W and also gave a complaint before the respondent police to register a case under Section 229-A IPC and based on the said complaint, the respondent police has register a case in Cr.No.171 of 2019 under Section 229-A IPC. He further submitted that the petitioner has already settled the matter with the complainant in STC.No.184 of 2018 and also submitted that in future, the petitioner



will appear regularly before the Court. He further submitted the in respect of recalling N.B.W which was issued in STC.No.184 of 2018, the petitioner filed a CrI.O.P(MD)No.6518 of 2019 before this Court and the same is still pending.

4.Per contra, the learned Government Advocate (CrI.Side) appearing for the respondent has submitted that the petitioner has not appeared regularly before the trial Court in S.T.C.No.184 of 2018 and hence the learned Judicial Magistrate, Manapparai, gave a complaint through the Head Clerk and based on the said complaint, a case was registered against the petitioner herein under Section 229-A IPC. She further submitted that the appearance of the petitioner is necessary for investigation and hence, she strongly opposed this petition.

5.Taking into consideration of the submission made by the learned counsel for the petitioner that the petitioner has already settled the matter with the complainant in S.T.C.No.184 of 2018, 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, Manapparai, 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] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.171 of 2019 before the learned Judicial Magistrate, Manapparai, without prejudice to his defence before the trial Court;

(ii) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) 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.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) 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].



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

sd/-

07/06/2019

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

TO

1. THE JUDICIAL MAGISTRATE, MANAPPARAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.VADIVEL Advocate SR.No.9280

ORDER

IN

CRL OP(MD) No.7749 of 2019

Date :07/06/2019

MS/PN/SAR-3/17.06.2019/3P.6C