



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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.843 of 2019

BAKIYARAJ

... PETITIONER / ACCUSED NO.5

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT.
(IN CRIME.NO.24/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.SUSI KUMAR Advocate

For Respondent : Mr.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, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 399 and 402 of I.P.C, in Crime No.24 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the Sub-Inspector of Police attached to the second respondent police have got an information, he would proceeded to Karrupanasamy Kovil at Barathipuram, at that time he found that the petitioner along with four persons said to have gathered in suspicious manner. Further they caught hold of the four persons except the petitioner. On enquiry of the four persons, they confessed that they are said to have planned to commit Dacoity.

3.The learned counsel for the petitioner would submit that the petitioner and others are relatives and celebrating Pongal festival, there was a dispute between the petitioner's group and other group of his relatives, by which a case has been registered against the other group in Crime No.25 of 2019 for offence punishable under Section 397 I.P.C and in this case, the petitioner has been falsely implicated.

4.The learned Government Advocate (Criminal Side) for the respondent submitted that there is no previous case against the

petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the case and counter case, this Court is inclined to grant anticipatory bail to the petitioner.

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, Dindigul, 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 said Magistrate, on further condition that:

[a] the petitioner shall appear before the respondent police daily at 10.30.am.

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

[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/-
22/01/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.III,
DINDIGUL.

2 THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE INSPECTOR OF POLICE,
TOWN SOUTH POLICE STATION, DINDIGUL DISTRICT.

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

+1. CC to Mr.C.SUSI KUMAR Advocate SR.No.1183

PS/PN/SAR-4/28.01.2019/3P/6C

ORDER
IN
CRL OP(MD) No.843 of 2019
Date :22/01/2019