



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 19/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8513 of 2019

P.Vivekanandan

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
District Crime Branch Police Station,
Tirunelveli District.
(Crime No.18 of 2019).

... Respondent/Complainant

For Petitioner : M/s.R.J.Karthick,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 18 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 465, 468, 471 and 477(A) of IPC, in Crime No.18 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that already the petitioner was removed from service on 08.10.2018 as the petitioner has obtained medical leave by producing a false medical certificate, as against which the petitioner has filed an appeal before the appellate authority and the same is pending. Hence, he prayed to grant anticipatory bail to the petitioner.

3.The learned Government Advocate (Criminal Side) appearing for the respondent has submitted that the petitioner herein was working



a Police Constable in Armed Reserve Force at Chennai. At that time, he obtained medical leave and for that he has produced fake medical certificate. Hence she opposed this petition.

4. Taking into consideration of the fact that the alleged occurrence took place in the year 2016 and after conducting enquiry, the petitioner was removed from service on 08.10.2018, against which, he has filed an appeal before the appellate authority and the same is pending, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 Judicial Magistrate Court, Sankarankovil, 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/-

19/06/2019

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

TO



2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.R.J.KARTHICK Advocate SR.No.10004

ORDER

IN

CRL OP(MD) No.8513 of 2019

Date :19/06/2019

MS/PN/SAR-3/26.06.2019/3P.6C