



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

Date : 20/06/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8647 of 2019

Palanikrishnan @ Palani

... Petitioner/Accused
Rank not known

Vs

State Rep.by
The Inspector of Police,
Thiruvegampathur Police Station,
Sivagangai District.
Crime No.53 of 2019

... Respondent/Complainant

For Petitioner : M/s.S.M.Sanjay,
Advocate.

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

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

PRAYER :-

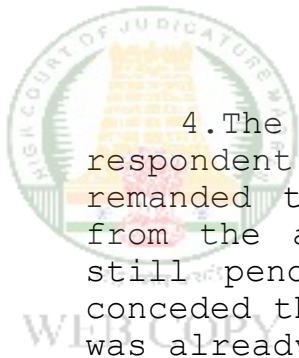
For Anticipatory Bail in Crime No. 53 of 2019 on the file of
the respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 147,
148, 341, 294 (b), 323, 324, 363, 392, 397, 506 (ii) and 307 of IPC
and r/w Section 4 of TNWH Act, in Crime No.53 of 2019, seeks
anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that as per the FIR, due to business motive between the
petitioner and the defacto complainant, the petitioner along with
other accused person kidnapped the defacto complainant and demanded
sum amount from the defacto complainant. He further submitted that
the petitioner name was not mentioned in the FIR. Only based on the
confession of co- accused, he was falsely implicated in this case.
He further submitted that the injured was already discharged from
the hospital and hence, he prayed to grant anticipatory bail to the
petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent has submitted that A2, A7 & A8 were already arrested and remanded to judicial custody and the property was also recovered from the accused. He further submitted that the investigation is still pending and he opposed this petition. However, he fairly conceded that the petitioner is not having any previous case and he was already discharged from the hospital.

5. Taking into consideration of the fact that the injured was already discharged from the hospital and also the fact that no previous case is pending against the petitioner, 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, Devokkottai, 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/-
20/06/2019

/ TRUE COPY /



TO

1.The Judicial Magistrate,
Devokkottai.

2.The Chief Judicial Magistrate,
Sivagangai District.

3.The Inspector of Police,
Thiruvegampathur Police Station,
Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.M.SANJAY, Advocate (SR-10084[I] dated 20/06/2019)

ORDER

IN

CRL OP(MD) No.8647 of 2019

dss

TK/PN/SAR.2/25.06.2019/3P/6C