



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 27/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8727 of 2019

Anbuchezeian @ Anbuselvan,,

... Petitioner/Accused No.2

Vs

State rep.by

The Inspector of Police,,
Kulithalai Police Station,
Karur District.

(Crime No.247 of 2019).

... Respondent/Complainant

For Petitioner : M/s.V.Karuna,
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.247 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 3(1), 4(1), 5(1)(a) and 6(1)(a) of Immoral Traffic (Prevention) Act, in Crime No.247 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that on the day of occurrence the petitioner is not available. He further submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that A1 was arrested and released on bail. He further submitted that there is no previous case pending against the petitioner. Hence, he prayed for grant of anticipatory bail to the



petitioner.

4. The learned Additional Public Prosecutor has submitted that the petitioner is the owner of the property. Hence, he opposed this petition. He further submitted that A1 was arrested and released on bail. However, he fairly conceded that there is no previous case pending against the petitioner.

5. Taking into consideration the fact that there is no previous case pending against the petitioner and also the fact that A1 was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner by imposing 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, Kulithalai, Karur District, 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 fails 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 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].

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

sd/-
27/06/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
KULITHALAI, KARUR.

2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.

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

+1 CC to MR.V.KARUNA, Advocate (SR-10610[I] dated 27/06/2019)

ORDER

IN

CRL OP(MD) No.8727 of 2019

Date :27/06/2019

VSG

AE/VR/SAR-I (04.07.2019) 3P 6C