



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

Friday, the Twenty Fifth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.877 of 2019

PARTHIBAN

... PETITIONER /4th ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.659/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.K.P.NARAYANAKUMAR, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

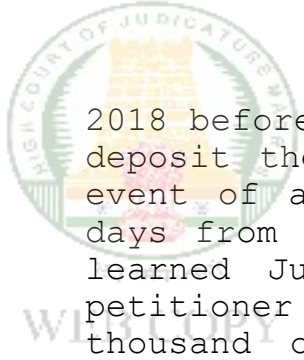
The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 I.P.C, in Crime No.659 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's son is a diploma holder. During the year 2016, while he was working in construction company at Chennai, the first accused approached the defacto complainant's son for getting job in Koodankulam Nuclear unit and demanded money. Therefore, he gave a sum of Rs.24,04,900/- to the 1st accused. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case.

4.Heard the learned Government Advocate (Criminal Side) for the respondent.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. The petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh) to the credit of Crime No.659 of



2018 before the learned Judicial Magistrate, Rajapalayam and on such deposit 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, Rajapalayam, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner is directed to appear before the respondent police daily at 10.30.am., for a period of 30 days. Further, the petitioner is directed to deposit a sum of Rs.1,25,000/- after a period of 30 days to the credit of Crime No.659 of 2018 before the learned Judicial Magistrate, Rajapalayam and on such deposit, the petitioner shall report before the respondent police as and when required for interrogation.

[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/-
25/01/2019

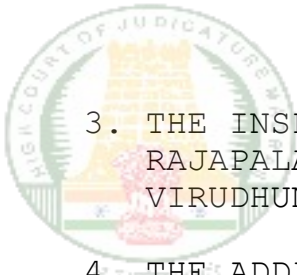
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.



3. THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to Mr.K.P.NARAYANAKUMAR Advocate SR.No.1572

ORDER

IN

CRL OP (MD) No.877 of 2019

Date :25/01/2019

MS/VR/SAR-2/05.02.2019/3P.6C