



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.9220 of 2019

Chandrasekar

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Ervadi Police Station,
Tirunelveli District.
(In Crime No.106 of 2019)

... Respondent/Complainant

For Petitioner : M/s.M.Seeni Sulthan,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.106 of 2019 on the file of the respondent Police.

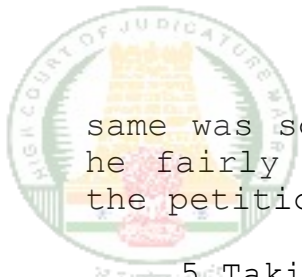
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC in Crime No.106 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that a false case has been foisted against the petitioner. He further submitted that the petitioner is an innocent and he has been falsely implicated in the above case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the State has submitted that the defacto complainant is the Village Administrative Officer. He further submitted that totally there are two accused in this case and the petitioner is arrayed as A2. He further submitted that the petitioner and A1 cut down 21 palm trees worth about Rs.10,000/- in the Government Poramboke land and the



same was sold. Hence, he strongly opposed this petition. 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, this Court is inclined to grant anticipatory bail to the petitioner by imposing 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, Nanguneri, Tirunelveli 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) the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the credit of Crime No.106 of 2019 before the learned Judicial Magistrate, Nanguneri, Tirunelveli District within a period of two weeks from the date of receipt of a copy of this order, without prejudice his defence before the trial Court;

(ii) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) 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.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

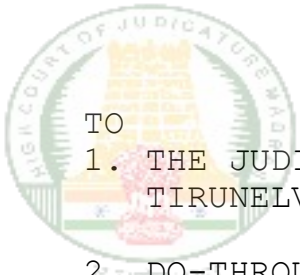
(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
02/07/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, NANGUNERI,
TIRUNELVELI DISTRICT.

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

3. THE INSPECTOR OF POLICE,
ERVADI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.M.SEENI SULTHAN Advocate SR.No.11012

ORDER

IN

CRL OP(MD) No.9220 of 2019

Date :02/07/2019

MS/PN/SAR-2/09.07.2019/3P.6C