



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

Tuesday, the Second day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.9242 of 2019

K.T.RATHINAVEL

... PETITIONER / ACCUSED NO.2

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
CSCID, UTHAMAPALAYAM,
THENI DISTRICT.
(CRIME NO.99 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.G.RAJAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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 17 of (TNK) Order 1973 r/w Section 7(1)(a)(ii) of E.C Act, 1955 in Crime No.99 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and only based on the confession given by the first accused, he has been falsely implicated in this case. He further submitted that the injured person has already been discharged from the hospital. Hence, he prayed for grant of anticipatory bail to the petitioner.

3.The learned Additional Government Pleader appearing for the respondent has submitted that based on the confession given by the first accused, this petitioner has been implicated in this case. He opposed this petition, as investigation is pending. However, he fairly conceded that no previous case is pending against the petitioner.

5.Taking into consideration of the fact that only based on the confession given by the first accused, this petitioner has been implicated in this case and no previous case is pending against the



petitioner, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam 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:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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 for the interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A 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,
UTHAMAPALAYAM.

<https://hcservices.ecourts.gov.in/hcservices/>

2 TO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.



3 THE SUB INSPECTOR OF POLICE,
CSCID, UTHAMAPALAYAM,
THENI DISTRICT.

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

+1. CC to M/S.G.RAJAN Advocate SR.No. 10898

ORDER

IN

CRL OP (MD) No.9242 of 2019

Date :02/07/2019

JM/JC/SAR 1/11.07.2019/3P/6C