



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.955 of 2019

KUTTY @ RAJIV GANDHI

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
TAMILNADU RAILWAY POLICE,
RAILWAY STATION,
MANAMADURAI,
SIVAGANGAI DISTRICT
(CRIME NO.03/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.BANUMATHY Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

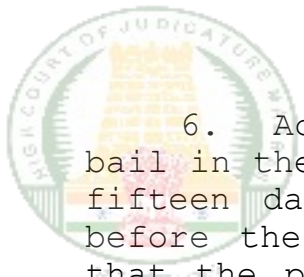
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 353 and 506(ii) of IPC, in Cr.No.3 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the accused threatened the defacto complainant with dire consequences.

3. The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl.side) would submit that no one sustained injury in the alleged occurrence.

5. Taking into consideration the facts of the case and the submissions by learned counsels and that no one sustained injury in the alleged occurrence, this Court 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, Manamadurai 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

24/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
MANAMADURAI, SIVAGANGAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
TAMILNADU RAILWAY POLICE, RAILWAY STATION,
MANAMADURAI, SIVAGANGAI DISTRICT

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

+1. CC to MR.A.BANUMATHY Advocate SR.No.1292

ORDER IN

CRL OP(MD) No.955 of 2019

Date :24/01/2019