



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

Date : 05/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9569 of 2019

Prabakaran

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
Thattarmadam Police Station,
Thattarmadam,
Tuticorin District.
(Crime No. 102 of 2019).

... Respondent/Complainant

For Petitioner : M/s.T.Vadivelan,
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. 102 / 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 294(b),
307 and 506(ii) of IPC in Crime No.102 of 2019, seeks anticipatory
bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that there was a civil dispute in respect of family
properties, a false case has been foisted against the petitioner. He
further submitted that the petitioner has not committed any offence
as alleged by the prosecution and hence, he prayed for grant of
anticipatory bail to the petitioner.



4. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that there are 17 previous cases pending against the petitioner in various Sections. Hence, he opposed this petition. However, he fairly conceded that no similar type of case is pending against the petitioner.

5. Though it was argued that the petitioner is having 17 previous cases, in the FIR it is stated that the petitioner made attempt to attack the defacto complainant with Aruval, but the said attack did not hit him and a lady has snatched the said Aruval. The aforesaid facts would show that the petitioner not even able to snatch the Aruval from a lady, but he has been projected as a rowdy.

6. Taking into consideration of the aforesaid facts and also the fact that in other cases the petitioner is on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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, Sathankulam, 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.

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/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
SATHANKULAM, TUTICORIN DISTRICT.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TUTICORIN DISTRICT.
 3. THE INSPECTOR OF POLICE
THATTARMADAM POLICE STATION,
THATTARMADAM, TUTICORIN DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.T.VADIVELAN Advocate SR.No.11210

ORDER
IN
CRL OP(MD) No.9569 of 2019
Date :05/07/2019

VSG
PK/JC/SAR-2/17.07.2019 : 3P/6C