



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

Thursday, the Third day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22470 of 2018

1.A. ATHI NARAYANAN,
2 V. SUDALAIKANNU,

... PETITIONERS / ACCUSED NOS.4 &6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.160 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.N.PRAGALATHAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 406 and 420 of IPC in Cr.No.160 of 2016 seek anticipatory bail.

2. The petitioners were already granted anticipatory bail by this Court in CrI.O.P(MD) No.19947 of 2016 dated 23.03.2017. The petitioners herein are arrayed as A4 and A6, who are the bonafide purchasers. Power of Attorney has been executed in favour of the petitioners. There is a dispute with regard to payment between the defacto complainant and A1. It is now submitted that there is a settlement between them and that the offence would be compounded they have failed to furnish sureties. Now apprehending arrest at the hands of respondent police, this petition has been filed.

3. Heard the learned counsel appearing for the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioners were already granted anticipatory bail in CrI.O.P(MD) No.19947 of 2016 dated 23.03.2017



5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Valliyoor on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

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

[b] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
03/01/2019

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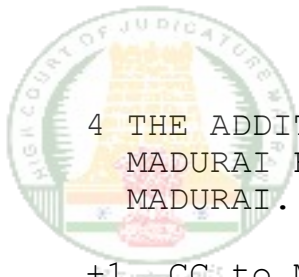
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE,
VALLIYOOR.

2.DO THRO' THE CHIEF JUDICAIL MAGISTRATE,
TIRUNELVELI DISTRICT.

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



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

+1. CC to MR.N.PRAGALATHAN Advocate SR.No.226

WEB COPY

ORDER

IN

CRL OP (MD) No.22470 of 2018

Date :03/01/2019

AE/PN/SAR4/09.01.2019/3P/6C