



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

Friday, the Eleventh day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22758 of 2018

GOPAL

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT.

(IN CRIME NO. 116 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.ALAGUMANI 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 :-

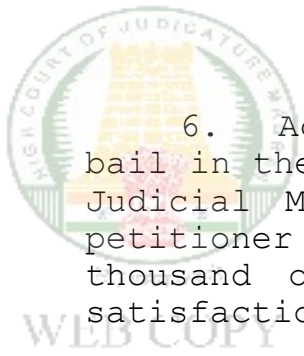
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448 and 506(ii) IPC and Section 3(1) of TNPPDL Act in Cr.No.116 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and others damaged the articles of the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was already granted anticipatory bail by this Court in Crl.O.P(MD)No.20553 of 2018 dated 19.11.2018. since the petitioner did not execute sureties within the stipulated time, this petition has been filed.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner was already granted anticipatory bail in Crl.O.P(MD)No.20553 of 2018 dated 19.11.2018.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel, 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, before the learned Judicial Magistrate No.V, Tiruchirappalli, 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-V, TIRUCHIRAPPALLI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI.
- 3 THE INSPECTOR OF POLICE,
JEEYAPURAM POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT MADURAI.

+1. CC to Mr.R.ALAGUMANI Advocate SR.No.771

PS/JC/SAR-4/23.01.2019/2P/6C