



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

Friday, the Eighteenth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20654 of 2018

SIVASUBRAMANIAN

... PETITIONER / ACCUSED No.1

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PALAYAMKOTTAI POLICE STATION,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
Crime No.769/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.BALASUBRAMANIAN Advocate

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

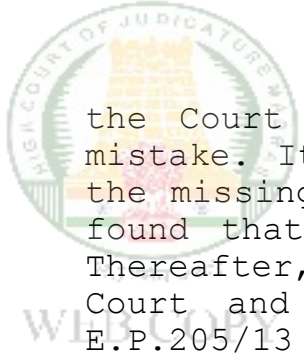
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 I.P.C. in Crime No.769 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is hailing from an Advocate family and he is practising in the Sub Court, Tirunelveli from the year 1987 onwards. The de facto complainant, who is the Head Clerk in Principal Sub Court, Tirunelveli, had given a complaint that on 10.10.2018, when she was verifying the Court bundles, she found that one of the bundle was missing. She made a thorough search. But she did not trace the bundle and thereafter she gave a complaint on 14.11.2018. Hence the complaint.

3.The contention of the petitioner is that the petitioner is a third generation Advocate and he, in the course of his professional work, for verifying the originals had sat down and perused the original bundles, which is a routine work. On knowing the missing bundle, the petitioner had verified his case bundles and informed



the Court staff that he has not taken any court bundle even by mistake. It is further submitted that in this case, the receipt of the missing bundle on 16.11.2018, was verified with the records and found that the Court bundle was intact and nothing was missing. Thereafter, the so called missing case was added to the list of the Court and finally the missing case bundle in EA No.115/18 in E.P.205/13 in O.S.64/2005 has been disposed of by the learned Principal Sub Judge, Tirunelveli on 14.12.2018.

4.This Court had earlier granted interim anticipatory bail to the petitioner and he had been cooperated with the investigation regularly. Further the bundle has been received and reached the Court and therefore, the custodial interrogation of the petitioner is not necessary. The accused No.3 in this case was arrested on 11.12.2018 and he has given a confession statement which shows that this petitioner had instigated accused No.3 to send the case bundle to the Court.

5.Considering the above and the petitioner has been regularly appearing before the respondent Police during the period of interim bail, this Court grants 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 No.1, Tirunelveli District 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, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police every Saturday and Sunday at 10.30 A.M. for a period of four 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.R.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.

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sd/-
18/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO I,
TIRUNELVELI DISTRICT.
 2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 3. THE INSPECTOR OF POLICE,
PALAYAMKOTTAI POLICE STATION, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.V.BALASUBRAMANIAN Advocate SR.No.881

ORDER
IN
CRL OP(MD) No.20654 of 2018
Date :18/01/2019

TK/VR/SAR-1/23.01.2019/3P/6C