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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9854 of 2019

1. Isakidurai
2. Thomas

... Petitioners/
Accused Rank Not Known

Vs

The State Rep. by
The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi District
(Cr.No.8/2019) .

... Respondent/Complainant

For Petitioners : M/s.G.Thalaimutharasu,
Advocate.

For Respondent : Ms.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Cr.No.8/2019 on the file of the
respondent Police.

ORDER : The Court Made the following order :-

The petitioners/accused who apprehend arrest at the hands of
the respondent police for the offences punishable under sections
427 and 505(i) (b) of IPC , seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner would submit
that the petitioner is innocent and he has been falsely implicated
in the above said case. The learned counsel for the petitioners on
instructions from the petitioners have submitted that the



petitioners are ready and willing to deposit a sum of Rs.3000/- to the credit of crime number without prejudice to their rights and defence. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner herein along with others had damaged the flex board worth Rs.3000/- Hence he opposed to grant anticipatory bail to the petitioners.

5.Taking into consideration of the fact and also considering the fact that the petitioners have come forward to deposit the a sum of Rs.3000/- and also the fact that no case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[6] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or 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 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 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:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall deposit a sum of Rs.3,000/- (Rupees Three thousand only) to the credit of Crime No.8 of 2019 before the learned Judicial Magistrate, Sathankulam, without prejudice his defence before the trial Court

[c] the petitioners shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
12/07/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE, SATHANKULAM
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
 - 3 THE INSPECTOR OF POLICE, MEIGNANAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.G.THALAIMUTHARASU Advocate SR.No.11668

ORDER
IN
CRL OP(MD) No.9854 of 2019
Date :12/07/2019

AAV
JM-I/VR/SAR-2/23.07.2019/2P-6C