



WEB COPY

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

Date : 23/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10341 of 2019

P.Suresh @ Seppa Suresh ... Petitioner/Accused No. 4

Vs

State rep. Through
The Inspector of Police,
Puliyarai Police Station,
Tirunelveli District
(Crime No.112/2019). ... Respondent/Complainant

For Petitioner : Mr.S.Selvakumar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Cr.No.112/2019 on the file of the respondent police.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 25(1B) (a) of Arms Act, 1959 r/w Section 4(b) of Explosive Substances Act, 1908, in Crime No. 112 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that on the basis of the confession statement given by A1 this petitioner's name has been included 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 totally there are six accused in this case, the petitioner herein is arrayed as A4. He further submitted that this petitioner's name has been included on the basis of the confession statement given by A1. He further submitted that the petitioner herein is a friend of A1 and the property in question was recovered from A1. He further submitted that A1 in this case has already been arrested and subsequently, released on bail and this petitioner is also having five previous cases and hence, he opposed for grant of anticipatory bail.

5. Though the learned Additional Public Prosecutor has submitted that the petitioner herein has been arrayed as accused based on the confession given by A1, in the said confession, he has not stated that on the date of occurrence, the petitioner herein has accommodated him, on the contrary, he has stated that one year prior to the said occurrence, A1 along with the petitioner used to go for hunting. Except the said allegation, nothing stated against the petitioner. Further in the body of the FIR also nothing has been stated about the petitioner. Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Shenkottai, 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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Sd/-
23/07/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SHENKOTTAI,
- 2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION,
TIRUNELVELI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SELVAKUMAR Advocate SR.No.12166

ORDER
IN
CRL OP(MD) No.10341 of 2019
Date :23/07/2019

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ES/VR/SAR 2/29.07.2019/3P/6C