



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10703 of 2019

Sankar ... Petitioner/Sole Accused

Vs

State,
rep.by The Inspector of Police,
Sethubavachatram Police Station,
Thanjavur District
(Crime No.127/2018). ... Respondent/Complainant

For Petitioner : M/s.B.Anandan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory bail in Cr.No.127/2018 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence under Sections 294(b), 353, 379 IPC and Section 21(1) of Mines and Minerals Act, seeks anticipatory bail. This is a second anticipatory bail petition.

2.This Court on 01.08.2019 has passed the following order:

"This is the second anticipatory bail application. The first anticipatory bail application, which was filed by the petitioner in CrI.O.P.(MD)No.20566 of 2018 was allowed on 23.11.2018 with a condition that the petitioner should deposit a sum of Rs.15,000/- to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, within a period of 15 days from the date of receipt of a copy of the said order. The petitioner has not complied with the said condition.



2. After eight months, the petitioner has filed this petition and it appears that there is an inordinate delay in approaching this Court for filing second anticipatory bail application. Hence, this Court is of the view that the petitioner shall be directed to pay a sum of Rs.2,000/- (Rupees Two Thousand Only) as costs to the Hon'ble Chief Justice relief fund for entertaining this petition.

3. Hence, the petitioner is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand Only) as costs to the Hon'ble Chief Justice relief fund on or before 07.08.2019.

4. Post the case before this Court on 08.08.2019"

3. As per the order passed by this Court on 01.08.2019, the petitioner has paid a sum of Rs.2,000/- to the credit of Hon'ble Chief Justice relief fund on 06.08.2019 and he has also filed a memo to that effect alongwith receipt. Hence, the learned counsel appearing for the petitioner prays to grant anticipatory bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

5. 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukkottai 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:

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

[b] before executing the bond, the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.127 of 2018 before the learned Judicial Magistrate, Pattukkottai, without prejudice to his contention.

[c] 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 for the interrogation.



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

[e] the petitioner 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 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].

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

sd/-
08/08/2019

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

TO

1 THE JUDICIAL MAGISTRATE ,
PATTUKKOTTAI.

2 -do-thro- THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
SETHUBAVACHATRAM POLICE STATION,
THANJAVUR DISTRICT

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

+1 CC to M/s.B.ANANDAN, Advocate (SR-13279[I] dated 09/08/2019)

ORDER
IN
CRL OP(MD) No.10703 of 2019
Date :08/08/2019

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