



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2019

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PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10547 of 2019

Jesintha @ Jesintha Selva Malar ... Petitioner/ Sole Accused

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
Tisaiyanvilai Police Station,
Tirunelveli District.
(Crime No. 218 of 2007). ... Respondent/Complainant

For Petitioner : M/s.R.Balakrishnan,
Advocate.

For Respondent : Mr.A.P.G.Ohmchairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

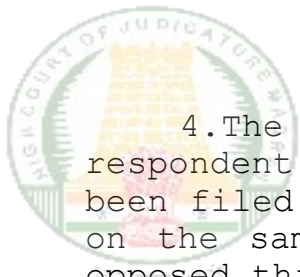
For Anticipatory Bail in Crime No. 218 of 2007 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 324 of IPC in Crime No.218 of 2007, 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 and the respondent has filed a charge sheet by showing that the petitioner is absconding and based on the same, absconding charge sheet has been filed and the case was taken on file in C.C.No.37 of 2008. He further submitted that only based on the same, Non Bailable Warrant has been issued against the petitioner. He further submitted that no previous case is pending against the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that absconding charge sheet has been filed by the respondent police against the petitioner and based on the same Non Bailable Warrant has been issued and hence, he opposed this petition.

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5. Taking into consideration the fact that absconding charge sheet was filed and based on the same Non Bailable Warrant has been issued and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner by imposing 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 Judicial Magistrate, Nanguneri, 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.

Sd/-
26/07/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
NANGUNERI.

2 -do-thro-THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
TISAIYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT

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

+1 CC to M/s.R.BALAKRISHNAN, Advocate (SR-12358[I] dated 26/07/2019)

ORDER

IN

CRL OP (MD) No.10547 of 2019

Date :26/07/2019

VSG

ES/PN/SAR 4/01.08.2019/3P/6C