

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

Date : 20/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10725 of 2019

Rajesh Kannan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Samayanallur Police Station,
Madurai District
(Crime No.327 of 2018).

... Respondent/Complainant

For Petitioner : M/s.B.Vinothkumar,
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 crime No.327 of 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 offences punishable under Sections 294(b) IPC r/w Section 4 of TNPHW Act and 66-A of the Information Technology Act in Crime No.327 of 2018, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that based on the complaint given by the father-in-law of the petitioner, the respondent has registered the above F.I.R against the petitioner herein. He further submitted that after registering the case, the petitioner's wife came to the house of the petitioner and now, she is living with the petitioner happily. Therefore, he prayed for grant of anticipatory bail to the petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent has fairly conceded that after registering the F.I.R, the petitioner's wife went to the house of the petitioner and she is living with the petitioner happily and the petitioner's wife gave a statement to that effect before the respondent Police. He also produced a copy of the said statement.

4.Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

5. 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, Vadipatti on condition that the petitioner 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 petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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.

[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.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
20/08/2019

/ TRUE COPY /

TO

1 THE JUDICIAL MAGISTRATE
VADIPATTI.

2 -DO-THRO-THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

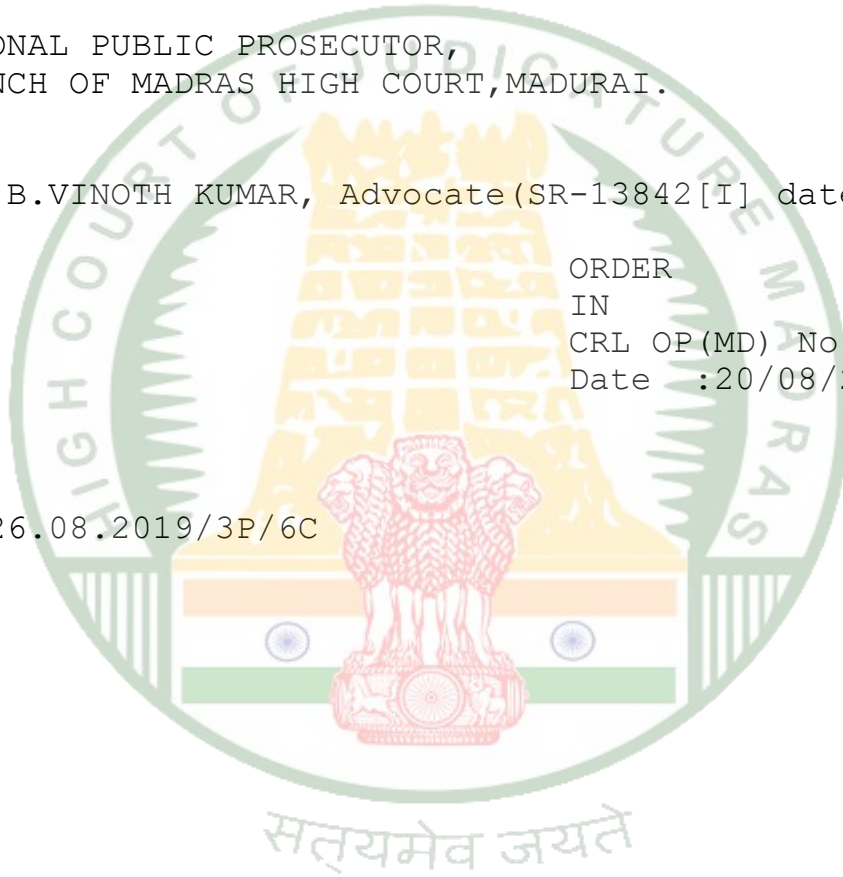
3 THE INSPECTOR OF POLICE
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT

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

+1 CC to M/s.B.VINOTH KUMAR, Advocate (SR-13842[I] dated 21/08/2019)

ORDER
IN
CRL OP (MD) No.10725 of 2019
Date :20/08/2019

VS
ES/JC/SAR 1/26.08.2019/3P/6C



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