



CRL OP(MD) . No.11001 of 2019

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

Date : 07/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11001 of 2019

Vivekanandan @ Vivek

... Petitioner/3rd Accused

Vs

The State rep.by
The Inspector of Police,
Allinagaram Police Station,
Theni District.
Crime No.126 of 2019

... Respondent/Complainant

For Petitioner : M/s.K.Pal Murugan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 126 of 2019 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 341,
294(b), 387 and 506(ii) of IPC in Crime No.126 of 2019, seeks
anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that due to money dispute, a false case been registered
against the petitioner. He further submitted that the petitioner is
in no way connected with the aforesaid case and the property was
already recovered from the accused persons and there is no previous
case pending against the petitioner and hence, he prayed for grant
of anticipatory bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The learned Government Advocate has submitted that the petitioner and other accused persons have assaulted the defacto complainant with hands and taken away two mobile phones from the defacto complainant. Hence, she strongly opposed this petition. However, she fairly conceded that already property has been recovered and there is no previous case pending against the petitioner.

5.Taking into consideration the fact that there is no previous case pending against the petitioner and also the fact that the property has been recovered from the accused persons, 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 learned Judicial Magistrate, Theni, 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 fail 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/-

07/08/2019

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



TO

1. THE JUDICIAL MAGISTRATE,
THENI.

2. THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION,
THENI DISTRICT.

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

+1. CC to Mr.K.PAL MURUGAN Advocate SR.No.13079

ORDER

IN

CRL OP(MD) No.11001 of 2019

Date : 07/08/2019

vsg

TK/PN/SAR.4/13.08.2019/3P/6C