

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

Date : 13/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10988 of 2019

Kalai Selvam ... Petitioner/Accused
Rank not known

Vs

The State Rep by its,
The Inspector of Police,
Karur Town Police Station,
Karur District.
(Cr.No.378/2019). Respondent/Complainant

For Petitioner : M/s.M.Viji,
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.378/2019 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 420 and
506(ii) of IPC in Crime No.378 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has
submitted that the petitioner is an innocent person and his name has
not been mentioned in the F.I.R and only on the confession given by
the co-accused, he has been arrayed as an accused and hence, he
prayed for grant of anticipatory bail to the petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that initially, in this case, the petitioner has not been added as an accused. But subsequently, based on the confession given by the first accused, he has been arrayed as accused in this case. The first accused was already arrested and remanded to judicial custody. However, he fairly conceded that nothing was recovered from the first accused.

4.Taking into consideration of the fact that this petitioner has not been shown as accused in the F.I.R and only based on the confession given by the co-accused, he has been implicated in this case and also the fact that already, the first accused was arrested and remanded to judicial custody and nothing was recovered from him, 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, No.1, Karur 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/-
13/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.1, KARUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION, KARUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.VIJI Advocate SR.No.13410.

ORDER
IN
CRL OP(MD) No.10988 of 2019
Date :13/08/2019

AM/JC/SAR-1/21.08.2019/3P-6C

सत्यमेव जयते

WEB COPY