

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.12049 of 2019

Manimaran Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Bodinayakkanur Town Police Station,
Theni District.
Crime No.684 of 2019 Respondent/Complainant

For Petitioner : M/s. A.Uthayakumar,
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.684 of 2019 on the file of
the respondent

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), 387 and 506 (ii) of IPC, in Crime No.684 of 2019, seeks
anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that as per the FIR, on 03.08.2019, at about 07.15 p.m,
the petitioner went to the defacto complainant's medical shop along
with A1 and by showing knife demanded money from the defacto
complainant. He further submitted that the petitioner is working as
a Press Reporter in Makkal Mugam News Paper and he has also produced
the identity card of the petitioner, which was issued by the

District Collector, Theni. Already, A1 was arrested and remanded to judicial custody and no previous case similar in nature is pending against the petitioner, and therefore, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioner went to the defacto complainant's medical shop along with A1 and by showing knife demanded money from the defacto complainant. She further submitted that A1 was already arrested and remanded to judicial custody. Hence, she opposed this petition. However, she fairly conceded that the petitioner is not having previous case similar in nature.

5.The allegation against the petitioner is that he went to the defacto complainant's medical shop along with A1 and A1 by showing knife demanded money from the defacto complainant and at that time, the petitioner herein also present. Already, A1 was arrested and remanded to judicial custody. No previous case similar in nature is pending against the petitioner. Further, the learned counsel for the petitioner has produced the Identity Card of the petitioner, which was said to have been issued by the District Collector, Theni, as a petitioner is working as a Press Reporter in Makkal Mugam News Paper.

6.Taking into consideration of all the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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, Bodinayakkanur, Theni District, 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
30/08/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,
BODINAYAKKANUR, THENI DISTRICT.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
BODINAYAKKANUR TOWN POLICE STATION,
THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.UTHAYAKUMAR Advocate SR.No.14517

ORDER
IN

CRL OP(MD) No.12049 of 2019
Date :30/08/2019

TK/JC/SAR.1/05.09.2019/3P/6C