



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/01/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WEB COPY

CRL OP(MD). No.474 of 2020

Suresh

... Petitioner/Sole Accused

Vs

State,
Rep.by Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District,
Crime No.562 of 2019.

... Respondent/Complainant

For Petitioner : M/s.P.Balasubramanian,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

for Anticipatory Bail Crime No.562 of 2019 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the
learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 229A of
I.P.C., in Crime No.562 of 2019 on the file of the respondent
police, seeks anticipatory bail.

3. The learned Government Advocate pointed out that the
petitioner is facing trial in S.C.No.49 of 2016, on the file of
learned Sessions Judge /PCR Court, Sivagangai. On account of his
abscondance, the case was split up and an independent number is
assigned in S.C.No.170 of 2018. He would also point out that
already four witnesses have been examined in S.C.No.49 of 2016.



4.The learned counsel for the petitioner states that the petitioner will not insist for re-examination of the aforesaid four witnesses instead he will be content by cross examining the four witnesses.

5.The Trial Judge is directed to recall the aforesaid four witnesses so as to enable the petitioner herein to cross examine the four witnesses.

6.The learned counsel for the petitioner submitted that he will not delay the process. Thereafter, S.C.No.170 of 2018 will be amalgamated with S.C.No.49 of 2016 as the petitioner is ready to face the trial along with the other accused. The petitioner gives a further undertaking that on no account, the petitioner will abscond in future. The petitioner through his counsel gives an undertaking that he will appear in all the future hearings without any default. If he is unable to appear, his counsel will represent him and file an application under Section 317 of Cr.P.C. On account of the petitioner's absence, trial will not be stalled. If this undertaking is breached, the benefit given to the petitioner will stand vacated automatically and the petitioner will be remanded to custody. The petitioner will not be granted bail thereafter if the undertaking is breached.

7.Recording the said undertaking, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Sivagangai, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties Judicial Magistrate No.I, Sivagangai each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
21/01/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1 THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI.

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

3 THE INSPECTOR OF POLICE
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT,

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

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-1016 dated 21/01/2020)

ORDER
IN
CRL OP (MD) No.474 of 2020
Date :21/01/2020

pnn
ES/JC/SAR 3/24.01.2020/3P/6C