



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

Date : 13/02/2020

PRESENT

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

CRL OP(MD). No.2514 of 2020

Jeganathan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Odaipatti Police Station,
Theni District.
Crime No.218/2019

... Respondent/Complainant

For Petitioner : M/s.S.Sundarapandian, 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 in Crime No. 218/2019 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 earlier filed Crl.O.P.(MD)No.444 of 2020 in Crime No.218 of 2019 for the offences under Sections 341, 294(b), 324 and 506(ii) of I.P.C.

3. I granted anticipatory bail to the petitioner after recording the undertaking of the petitioner in the following terms:-

"5. The petitioner's counsel states that the petitioner would write out a hand written letter of apology addressed to the victim and enclose the same along with the surrender petition. He would also take a demand draft for a sum of Rs.10,000/- favouring the victim. The apology letter as well as the demand draft will be handed over to the victim by the Court below through the respondent police. Of-course, this is without prejudice to the petitioner's defence in the trial."



4. The petitioner did not surrender within a period of 15 days. Therefore the earlier order granted by this Court got itself worked out. The petitioner has filed this second petition for anticipatory bail. The petitioner's counsel submitted that I must grant relief in unconditional term and recall the undertaking set out above.

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5. According to him, the petitioner was also in hospital for about 27 days and that at his instance Crime No.219 of 2020 was registered.

6. I am afraid that the petitioner cannot wriggle out of the undertaking earlier given. This is for more than one reason. The petitioner is getting anticipatory bail. It is true that Crime No.219 of 2019 was registered at his instance. Three of accused in the counter case got arrested. While three of the accused in the counter case got bail, the petitioner was granted anticipatory bail. Therefore, the petitioner must be ready to abide by the undertaking that was given earlier. If the petitioner does not want to abide the earlier undertaking, the petitioner of course will have to get arrested.

7. I posed a direct question to the petitioner's counsel as to whether the petitioner is inclined to abide by the undertaking earlier given or not. The petitioner's counsel stated that the petitioner will now strick to the undertaking earlier given.

8. Recording the same, 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, Uthamapalayam, Theni District, and on his executing 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 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.

9. 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/-
13/02/2020

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



TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM THENI DISTRICT

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

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

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

+1. CC to M/S.S.SUNDARAPANDIAN Advocate SR.No.3049

ORDER

IN

CRL OP(MD) No.2514 of 2020

Date : 13/02/2020

TK/VR/SAR.2/19.02.2020/3P/6C