



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/07/2020

PRESENT

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

CRL OP(MD) . No.6758 of 2020

N.Krishnaprasath

... Petitioner/Accused-1

Vs

The State Rep. by
The Sub Inspector of Police,
Ottanchathiram Police Station,
Dindugul District.
(Crime No. 624 of 2019).

... Respondent

For Petitioner : M/s.S.Vijayashanthi,
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. 624 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 under sections 147, 148, 294(b), 323, 324, 341, 427, 307 and 506(ii) of I.P.C., in Crime No.624 of 2019, on the file of the respondent police, seeks anticipatory bail.

3. This Court had granted anticipatory bail to the co-accused but denied in the case of the petitioner, taking note of the overtact attributed to the petitioner.



4. When the matter was taken up for hearing on the last occasion, the learned counsel appearing for the petitioner submitted that the petitioner would surrender before the respondent today i.e., 13.07.2020. It is submitted that the petitioner has surrendered before the respondent. It is open to the Jurisdictional Magistrate to remand the petitioner or not. In case the Jurisdictional Magistrate remands the petitioner, this Court grants bail to the petitioner.

5. Taking note of the subsequent developments, this petition for anticipatory bail is converted as bail petition.

6. In view of the above, I am inclined to grant bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail with the following conditions:-

(i) the petitioner shall be released on own bond by the Magistrate without insisting on sureties. However, the petitioner is directed to 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 learned Judicial Magistrate, Ottanchathiram, after the concerned Court is reopened on regular basis.

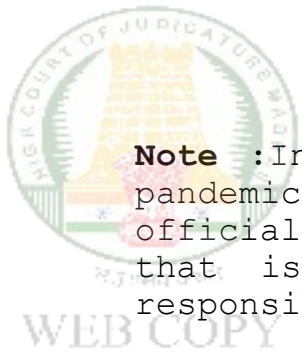
(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) on breach of any of the aforesaid conditions, the 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 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].

sd/-
13/07/2020

/ TRUE COPY /

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



Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, OTTANCHATTIRAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
OTTANCHATHIRAM POLICE STATION,
DINDUGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6758 of 2020
Date :13/07/2020

IAS
TE/VR/SAR-III : 14/07/2020 : 3P/5C