



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2020

PRESENT

WEB COPY

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.6904 of 2020

Abraham

... Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
Nanguneri Police Station, Nanguneri
Tirunelveli District.
(Crime No. 299 of 2020).

... Respondent/Complainant

For Petitioner : M/s.R.Ponkarthikeyan,
Advocate.

For Respondent : Mr.S..Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 299 of 2020 on the file of the respondent police

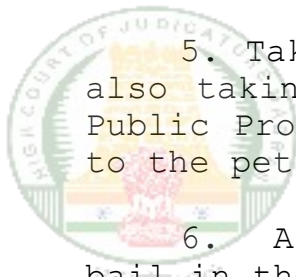
ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 341,283,294(b) and 506(ii) of IPC seeks anticipatory bail.

2. Allegation against the petitioner is that the petitioner along with other accused persons have blocked the road and caused disturbance to the general public and free flow of traffic being agitated by the Sathankulam custodial death incident.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and false case has been foisted against the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner herein is A2 and A1 in this case was already arrested and remanded to judicial custody.



5. Taking note of the facts and circumstances of the case and also taking note of the submission made by the learned Additional Public Prosecutor this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity.

[b] taking note of the situation prevailing in the area of the petitioner's place the petitioner is directed to stay of Sivagangai and report before the Sivagangai Town Police Station daily at 10.30 a.m., till 30.07.2020.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01.07.2020

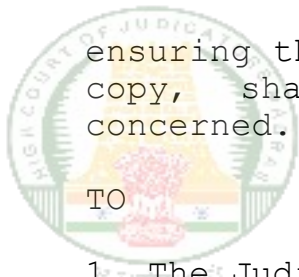
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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

<https://hcservices.ecourts.gov.in/hcservices/>

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, Nanguneri.
2. -Do- Through The Chief Judicial Magistrate,
Tirunelveli
- 3 The Inspector of Police,
Sivagangai Town Police Station
Sivagangai
4. The Inspector of Police,
Nanguneri Police Station, Nanguneri
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.6904 of 2020
Date : 01/07/2020

VB SKN SAR 2 (02.07.2020) 3P 6C