



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10101 of 2020

Esakkimuthu @ Kumar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thachanallur Police Station,
Tirunelveli District,
(Crime No.1060/2020)

... Respondent/Complainant

For Petitioner : M/s.C.Saravana Kumar,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

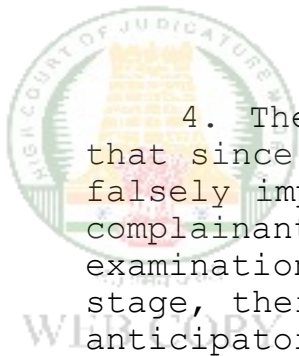
For Anticipatory Bail in Crime No. 1060 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is a sole accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 195A, 294(b) and 506(i) of I.P.C., in Crime No.1060 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a sole accused. Already, the complainant is a witness in which the petitioner was involved and he has deposed as P.W.3, murder case and the trial is in progress. As defacto complainant has deposed against the petitioner, the petitioner said to have criminally intimidated him and also made life threat to the defacto complainant. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the



4. The learned counsel appearing for the petitioner submitted that since the petitioner is an accused in a murder case he has been falsely implicated in this case and he never threatened the defacto complainant. He further submitted that in that case chief and cross examination of the defacto complainant has completed and at this stage, there is no necessity to threat the witness. Hence, he seeks anticipatory bail.

5. Heard the learned Government Advocate (criminal side) appearing for the respondent police.

6. Considering the rival submissions, already the defacto complainant was examined as P.W.3 before the Court and also cross examined by the petitioner side, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.IV, Tirunelveli, and on his executing 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 learned Magistrate concerned and 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) the petitioner is directed to appear before the Inspector of Police, Cheranmahadevi Police Station, daily at 10.30 a.m., for a period of Four Weeks.

(c) the petitioner shall not tamper with evidence or witness during the trial;

(e) the petitioner shall not abscond during the trial;

(f) 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]; and;

(g) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/09/2020

/ 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.

WEB COPY

- TO
1. THE JUDICIAL MAGISTRATE NO.IV, TIRUNELVELI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 3. THE INSPECTOR OF POLICE,
THACHANALLUR POLICE STATION, TIRUNELVELI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION.

ORDER
IN
CRL OP(MD) No.10101 of 2020
Date :22/09/2020

MS/JC/SAR-4/28.09.2020/3P.6C