



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

Date : 12/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) .No.11170 of 2020

Somu

..Petitioner/Sole Accused

Vs

State rep.by its.,
The Inspector of Police,
Nainarkoil Police Station,
Ramanathapuram District.
(Cr.No.273 of 2020)

..Respondent/Complainant

For Petitioner : Mr.M.Eswaran, for Mr.B.Arun,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.273 of 2020 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at
the hands of the respondent police for the offence punishable under
sections 379 and 511 IPC, in Crime No.273 of 2020 on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 22.09.2020, when the
defacto complainant was in night rounds in the Vaigai river, some
unknown persons had Parked Tractor near village and escaped from the
spot. Thereafter, the respondent police recovered the vehicle and
registered the case.

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

4.The learned counsel appearing for the petitioner submitted
that the petitioner has not committed any offence as alleged by the
prosecution.



5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there is no previous case pending as against the petitioner.

6.Considering the facts and circumstances of the case and considering the fact that there is no previous case as against the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Paramakudi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, out of which one shall be a blood related surety, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or 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 shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of Two Weeks and thereafter as on when required for interrogation;

(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]; and;

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

sd/-
12/10/2020

/ 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, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
- 2.DO THROUGH THE CHEIF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
NAINARKOIL POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11170 of 2020
Date :12/10/2020

VSD
PK/JC/SAR-3/15.10.2020 : 2P/5C