



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

Date : 05/11/2020

PRESENT

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

CRL OP(MD). No.12487 of 2020

Poomayil

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
Thiruvadanai All Women Police Station,
Ramanathapuram District.
Crime No.07 of 2017.

... Respondent/Complainant

For Petitioner : Ms.R.M.Geetha,
Advocate.

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

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

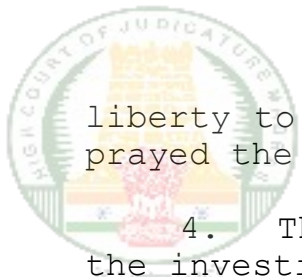
PRAYER :- For Anticipatory Bail in Cr.No.07 of 2017 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner has filed this petition to enlarge the petitioner / Accused No.3 on anticipatory bail in the event of arrest or her surrender in C.C.No.48 of 2020 on the file of the Judicial Magistrate, Thiruvadanai, Ramanathapuram District.

2. Heard both sides.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner and other accused were already granted anticipatory bail and was not able to produce the sureties as directed by this Court and therefore, the petitioner has filed the second anticipatory bail petition filed and the same was also dismissed on the ground that the second anticipatory bail is not maintainable. Thereafter, the petitioner filed an extension of time and the same was dismissed and has given



liberty to file a fresh petition for grant of anticipatory bail and prayed the petition to be allowed.

4. The learned Government Advocate(Crl.Side) submitted that the investigation has been completed and filed a final report before the Judicial Magistrate, Thiruvadanai, Ramanathapuram District and the same was taken on file as C.C.No.48 of 2020, which is pending. He would also submit that this is the third anticipatory bail petition and already this Court granted anticipatory bail to the petitioner and the conditions imposed by this Court were not complied by the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the respondent has filed a final report and the same has been taken cognizance in C.C.No.48 of 2020 on the file of the Judicial Magistrate, Thiruvadanai, Ramanathapuram District, custodial interrogation of the petitioner does not require, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District on condition that the petitioner shall 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 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 Judicial Magistrate, Thiruvadanai, Ramanathapuram District on all hearing dates without fail.

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

(d)the petitioner shall not abscond;

(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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/11/2020

/ TRUE COPY /

WEB 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, THIRUVADANAI,
RAMANATHAPURAM DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUVADANAI ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.M.GEETHA, Advocate (SR-21241[F] dated 05/11/2020)

ORDER
IN
CRL OP(MD) No.12487 of 2020
Date :05/11/2020

MS/VR/SAR-4/19.11.2020/3P.6C