



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.805 of 2021

Vijay

... Petitioner/Accused No.1

Vs

State rep.by,
The Inspector of Police,
Thalaimuthu Nagar Police Station,
Thoothukudi District.
Cr No. 263/2010.

... Respondent/Complainant

For Petitioner : Mr.V.Malaiyendran,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

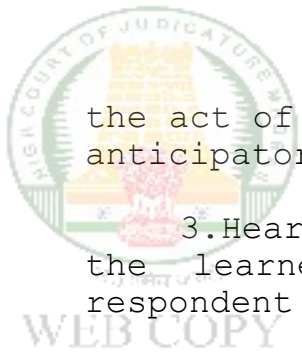
PRAYER :-

For Anticipatory Bail in Cr.No.263 Of 2010 on the file of the respondent police.

ORDER :The Court made the following order :-

The petitioner/A1, who apprehends arrest for the alleged offences under Sections 147, 148, 149, 341, 307, 302 and 506(ii) of IPC, in connection with Non-Bailable Warrant issued in S.C.No.154 of 2019, on the file of the learned 1st Additional District Judge, Thoothukudi, seeks anticipatory bail.

2.The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case. In parent case S.C.No. 515 of 2015, the petitioner has been arrayed as A1. There are totally seven accused in this case and the petitioner is arrayed as A1. Against this petitioner/A1 Non Bailable warrant was issued on 13.07.2016. He further submitted that the petitioner went to Kerala for his work and he is not aware of the above case. Now the case against the petitioner has been split up in S.C.No. 154 of 2019 and Non Bailable Warrant was issued.He further submitted that



the act of the petitioner is neither wilful nor wanton and prays for anticipatory bail to the petitioner.

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

4. Despite the petition is kept pending from the month of January 2021 and suitable instruction has been given by the Government Advocate (Crl. Side) to the respondent Police to secure the petitioner, the respondent Police appeared before this Court and assured that the petitioner/A1 would be secured. Despite the same, till today, the petitioner could not be secured. Keeping the session case pending without any progress, it will not serve any purpose and it would add further delay and pendency of the case.

5. Taking into consideration all the above the facts and circumstances of the case, 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 1st Additional District Judge, Thoothukudi, 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 respondent police weekly thrice (ie., on Every Monday, Wednesday, Friday) at 10.30 a.m., until further orders.

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

sd/-
16/03/2021

WEB COPY

/ TRUE COPY /

/ /2021

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 I ADDITIONAL DISTRICT JUDGE,
THOOTHUKUDI
2. THE INSPECTOR OF POLICE,
THALAIMUTHU NAGAR POLICE STATION,
THOOTHUKUDI DISTRICT
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.805 of 2021
Date : 16/03/2021
(1/2)

vsg
PK/VR/25.03.2021 : 3P/4C