



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

Date : 16/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.914 of 2021

Vijay

... Petitioner/A1

Vs

State rep.by,
The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District
Crime No. 607/2017..

... 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 :-

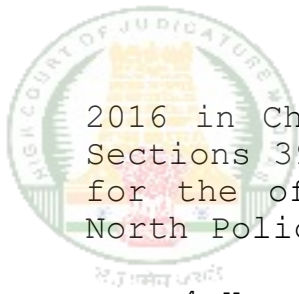
For Anticipatory Bail in Crime No.607/2017 on the file of the
respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest for the alleged
offences under Section 398 of IPC, in Crime No.607 of 2017, on the
file of the respondent Police, seeks anticipatory bail.

2.The learned counsel for the petitioner would submit that the
petitioner has been falsely implicated in this case. He would also
submit that Non Bailable Warrant is pending against the petitioner
from the year 2016 and investigation is still pending. He would
also submit that now he is ready and willing to co-operate with the
investigation and seeks anticipatory bail.

3.The learned Government Advocate(Crl.Side) would submit that
the petitioner is involved in murder case in the year 2010 and after
five years, charge sheet was filed in S.C.No.415 of 2015 and the
petitioner was arrayed as A1. The petitioner was absconding and Non
Bailable Warrant was issued on 13.07.2016. During the absconding
period, this petitioner has committed the offence in Crime No.180 of



2016 in Chennai Rajamangalam Police Station, for the offence under Sections 392 and 302 of IPC and another case in Crime No.607 of 2017 for the offence under Section 398 of IPC before the Thoothukudi North Police Station.

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

5. 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.

6. 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.

7. 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 Judicial Magistrate Court No.3, 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 Tuesday, Thursday, Saturday) 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 were breached 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.

WEB COPY

sd/-
16/03/2021

/ 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 JUDICIAL MAGISTRATE NO.III,
THOOTHUKUDI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.914 of 2021
Date :16/03/2021
(2/2)

VSG
PK/VR/25.03.2021 : 3P/5C