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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/06/2021

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) . No.6957 of 2021

Durairaj

... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
Commercial Branch Investigation Wing,
Thanjavur District.
(Crime No.4 of 2014).

... Respondent/Complainant

(Cause Title amended vide Court order dated
04/06/2021 made in CRL MP(MD) No.3826/2021
in CRL OP(MD) No.6957/2021 by NAVJ)

For Petitioner : Mr.Venkatesan.R,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

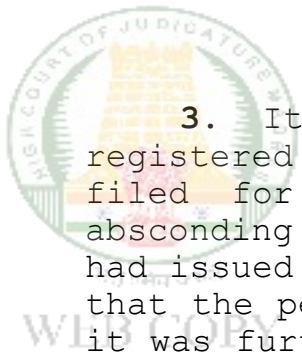
PRAYER :-

For Anticipatory Bail to enlarge the petitioner on bail in the event of his arrest or surrender in C.C.No.225 of 2016 on the file of the learned Judicial Magistrate No.4, Thanjavur in Crime No.4 of 2014 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is apprehending arrest by the respondent police pursuant to the non bailable warrant issued by the learned Judicial Magistrate No.4, Thanjavur, after an absconding charge sheet was filed by the respondent police in the year 2016.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.



3. It is seen from the records that there was one FIR registered which ultimately resulted in four final reports being filed for various periods. The petitioner was shown as an absconding accused in the final report and hence, the Court below had issued non bailable warrant in the year 2016. It was contended that the petitioner was not aware about the final reports filed and it was further submitted that the petitioner is willing to abide by any condition as may be imposed by this Court.

4. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate No.4, Thanjavur, and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b] the petitioner shall report before the respondent police on every Monday at 10.30 a.m., until further orders;

(C) the petitioner shall appear before the Judicial Magistrate No.4, Thanjavur during every date of hearing without fail;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.



6.The learned Judicial Magistrate NO.4, Thanjavur, is directed to complete the proceedings in C.C.No.225 of 2016, within a period of six months from the date of receipt of a copy of this order.

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
COMMERCIAL BRANCH INVESTIGATION WING,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6957 of 2021
Date :04/06/2021

rmi
JM/JC/SAR I/15.06.2021/3P/5C