



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD) No.10586 of 2021

WEB COPY

Satheeshh @ Sathiskumar

... Petitioner/Accused No.2

Vs

The State, rep. by
The Inspector of Police,
Pettai Police Station,
Tirunelveli District.
(In Cr.No.139 of 2021)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C, to enlarge the Petitioner/Second Accused on bail in the event of his arrest in Crime No.139 of 2021, on the file of the Inspector of Police, Pettai Police Station, Tirunelveli District.

For Petitioner : Mr.T.Balaji Krishnaswamy
For Respondent : Mr.Antony Sahaya Prabakar
Govt. Advocate (Crl. Side)

O R D E R

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

2. The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 379 of I.P.C in Crime No.139 of 2021, seeks anticipatory bail.

3. The petitioner's earlier Anticipatory Bail Petitions were dismissed in view of his bad antecedents. The petitioner now comes forward to give an undertaking to totally keep away from crime. An affidavit to that effect shall be filed before the Jurisdictional Magistrate. If the undertaking given in the affidavit is breached, prosecution is at liberty to apply for cancellation of this order.

4. It is seen that value of the contraband that has been seized is only Rs.647/-.

5. Taking note of the same, 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-V, Tirunelveli, 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 learned Magistrate concerned and on further conditions 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 respondent police as and 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]**.

(f) If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
05/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

kmm

To:

1. THE JUDICIAL MAGISTRATE-V, TIRUNELVELI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PETTAI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
Cr1.O.P.(MD)No.10586 of 2021
DATED:05/08/2021