



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/11/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.20017 of 2022

Maharajan

... Petitioner/1st Accused

Vs

The State represented by
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
(Crime No.152/2016).

... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar T,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.152/2016 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands
of the respondent police regarding non-bailable warrant, dated
13.10.2022 issued by the Principal Subordinate Judge, Thirunelveli
in S.C.No.120 of 2018 in Crime No.152 of 2016 for the offence under
Sections 294(b), 307, 353 and 379 IPC, seeks anticipatory bail.

2. The case of the petitioner is that since he went to
condolence ceremony at Coimbatore, he did not appear before the
trial Court on 13.10.2022 and hence, non bailable warrant was issued
against him.

3. The learned counsel for the petitioner would submit that the
petitioner went to condolence ceremony at Coimbatore and hence, he
did not appear before the trial Court on 13.10.2022 and therefore,
non bailable warrant was issued against him and seeks bail.

4.The learned Government Advocate(Crl.Side) would submit that
due to non appearance of the petitioner before the trial Court NBW
was issued against him on 13.10.2022. He would further submit that
if the petitioner is granted anticipatory bail there is a
possibility of absconding and he seeks dismissal of this petition.



5. Considering the facts and circumstances of the case, the 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 Principal Subordinate Judge, 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 respondent Police or to the Police Officer, who intends to arrest or 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 appear before the trial Court on each and every hearing date without fail;

(c) the trial Court is directed to dispose the case within a period of three months from the date of receipt of a copy of this order;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/11/2022

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/11/2022

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



TO

1 THE PRINCIPAL SUBORDINATE JUDGE, TIRUNELVELI.

2 THE INSPECTOR OF POLICE
SEEVALAPERI POLICE STATION, TIRUNELVELI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.LENIN KUMAR T Advocate SR.No.13007

ORDER

IN

CRL OP(MD) No.20017 of 2022

Date :11/11/2022

SS/VR/SAR /24.11.2022/ 3P/ 5C