



WEB COPY

CRL OP(MD).



23

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

Date : 08/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.1517 of 2023

Premchandramasiha

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Sessions Court Police Station,
Tiruchirappalli City,
Tiruchirappalli District.
Crime No.804 of 2022.

... Respondent/Complainant

For Petitioner : M/s. Sivaprakash.S, Advocate

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.804 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 229(A) I.P.C, in Crime No.804 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Andal, (who was working as Head Clerk, Chief Judicial Magistrate Court, Tiruchirappalli) is that the petitioner was granted anticipatory bail by the Sessions Court, Tiruchirappalli in Crl.M.P.No.1870 of 2020, dated 04.07.2020, with a direction to appear before the concerned Court, on the first working day of every



month, until further orders. However, the petitioner had not appeared before the Court for three months, starting from 03.10.2022. Hence, the complaint.

3. The learned counsel for the petitioner submitted that he is innocent and that the petitioner has granted anticipatory bail by the Sessions Court, Tiruchirappalli, with a condition to report before the concerned court. However, he would submit that in that case, final report has been filed before the Chief Judicial Magistrate Court, Tiruchirappalli and the same was taken cognizance in CC No.630 of 2022. The petitioner was under the impression that he need not appear before the Court, since the final report was filed. The failure is neither intentional nor wanton. Other than that he is regularly appearing before the trial court on all hearing dates. Hence, prays to release the petitioner on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that that the petitioner after grant of anticipatory bail by the Sessions Court, Tiruchirappalli, he failed to comply with the condition, ie., report before the Chief Judicial Magistrate Court, Tiruchirappalli. Therefore, the case has been registered. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and nature of offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and 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 **Judicial Magistrate No.II, Tiruchirappalli**, on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 learned Chief Judicial Magistrate, Tiruchirappalli everyday at 10.30 a.m., for a period of two weeks, thereafter, on all hearing dates, without fail;

[c] the petitioner shall not tamper with the 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/02/2023

/ TRUE COPY /

/02/2023

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

PNM

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
TIRUCHIRAPPALLI.
- 2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.
- 3 THE INSPECTOR OF POLICE
SESSIONS COURT POLICE STATION,
TRICHY CITY,
TIRUCHIRAPPALLI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. SIVAPRAKASH.S Advocate SR.No.2011(I)

ORDER

IN

CRL OP(MD) No.1517 of 2023

Date :08/02/2023

VA/BUC/SAR-4/14.02.2023/3P/6C