



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

Wednesday, the Eleventh day of March Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4499 of 2015

JINO MON

... PETITIONER / ACCUSED NO.3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.78 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.NEELAMEGAM, Advocate

For Respondent : M/S.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

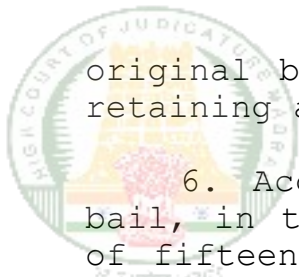
Apprehending arrest at the hands of the respondent police in Crime No.78 of 2015, on the file of the respondent police for offences under Sections 147, 148, 294(b) and 506(ii) IPC, the petitioner is now before this Court seeking Anticipatory Bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side).

3. It was represented before this Court that the de-facto complainant in this case is a practicing lawyer of the local Bar and therefore, the local Bar members had passed a resolution that no one should appear for the accused in this case.

4. Learned Government Advocate (Crl. Side) submits that this is case and counter case and the counter case is in Crime. No.79 of 2015. He further submitted that the accused 1 and 2 have already been released on bail. Under such circumstances, anticipatory bail is granted to the petitioner, but with conditions.

5.The learned counsel for the petitioner submitted that FIR in this case is pending before the learned Judicial Magistrate, No.II, Kuzhithurai, Kanyakumari District and since the local Bar has passed a resolution that no one should appear for the petitioner, the petitioner would find it difficult to furnish sureties. Accepting the submissions, this Court directs the learned Judicial Magistrate, Valliyoore to accept the sureties and thereafter, transmit the



original bail bond and other papers to the concerned Court, after retaining a photo copy of the same.

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, Valliyoor, on executing a separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioner shall appear before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

sd/-

11/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, VALLIYOOR.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE INSPECTOR OF POLICE, NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.K.NEELAMEGAM, Advocate SR.No.11663.

ORDER IN

CRL OP(MD) No.4499 of 2015

Date :11/03/2015

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