



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

Friday, the Twenty Second day of July Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.12579 of 2016

WEB COPY

DHIJU

... PETITIONER/ACCUSED No.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION,
KARUNGAL, KANYAKUMARI DISTRICT,
CR NO. 263/2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S T.ANTONY ARUL RAJ Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(i) IPC, in Crime No.263 of 2016 on the file of the respondent police and hence, seeks anticipatory bail.

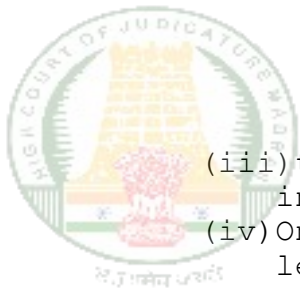
2.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent and he has not committed any offence and prays for anticipatory bail in favour of the petitioner.

3.It is submitted by the learned Government Advocate (Crl.Side) that the injured person had already been discharged from the hospital and charge-sheet has been filed and the same is not yet taken on file.

4.Considering the facts and circumstances of the case and also considering the fact that the injured person had already been discharged from the hospital and charge-sheet has been filed and the same is not yet taken on file, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner 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, Eraniel, 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 condition that:

- (i) the petitioner shall report before the learned Judicial Magistrate, Eraniel on all further future hearings regularly.

- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.



(iii) the petitioner shall not abscond either during investigation or trial.

(iv) 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/-
22/07/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
ERANIEL.

2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.

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

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

+1. CC to M/S T.ANTONY ARUL RAJ Advocate SR.No.39063

ORDER
IN
CRL OP(MD) No.12579 of 2016
Date :22/07/2016

PA/SKS-RR/SAR II/26.07.2016/2P/6C