



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

Thursday, the Eleventh day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14518 of 2016

SHAJI ALIAS ARUL SHAJI

..PETITIONER/ACCUSED No.2

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

NESAMONY NAGAR POLICE STATION,

KANYAKUMARI DISTRICT.

CR. NO. 243 OF 2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.MANIMARAN Advocate

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

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

ORDER : The Court Made the following order :-

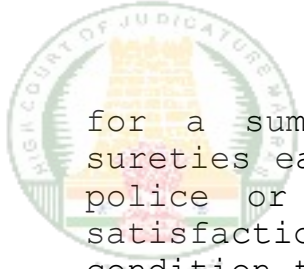
The petitioner, who is arrayed as accused apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 294(b), 323,324 and 506(ii) of IPC in Crime No.243 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that due to the dispute, the petitioner along with other accused attacked the defacto complainant and abused him in filthy language and also threatened with dire consequences.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submitted that the injured has been discharged from the hospital and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the injured has already been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner. 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 No.II, Kanyakumari at Nagercoil and 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 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 report before the respondent police daily at 10.00 am until further orders.

[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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

11/08/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, KANYAKUMARI.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

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

4 THE INSPECTOR OF POLICE, NESAMONY NAGAR POLICE STATION,
KANYAKUMARI DISTRICT.

+1. CC to M/S.R.MANIMARAN Advocate SR.No.44514

ORDER IN
CRL OP(MD) No.14518 of 2016
Date :11/08/2016

PBK/DB/SAR-I 16/08/2016 ::2P-6C::