



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

Tuesday, the Twenty Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15465 of 2016

JOSE

... PETITIONER /ACCUSED NO.3

Vs

THE INSPECTOR OF POLICE
MANAVALAKURICHI POLICE STATION,
MANAVALAKURICHI, KANYAKUMARI DISTRICT.
(CRIME NO. 213 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.PRAGALATHAN Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

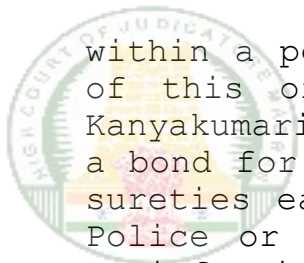
The petitioner, who is arrayed as Accused No.3, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 363, 323 and 506(ii) IPC, in Crime No.213 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the de facto complainant fell in love with one girl belonging to Sethuvur Village and he used to visit Sethuvur Village and see the said girl. On 10.08.2016 at about 05.30 p.m., when the de facto complainant was waiting nearby his school gate, A.1, who is the relative of the girl and other accused persons came there, abducted him, abused him in filthy language, attacked him and also threatened him with dire consequences. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal side) submitted that on the complaint given by the de facto complainant, a case has been registered for the above said offences. The injured sustained only simply injury. Investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the injured sustained only simply injury, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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, Eraniel, Kanyakumari District, 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 respondent Police daily at 10.00 a.m. until further orders.

(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]**.

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 conditions or not.

sd/-

23/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ERANIEL.
- 2 THE CHIEF JUDICIAL MAGISTRATE, KANYKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE, MANAVALAKURICHI POLICE STATION, MANAVALAKURICHI, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.PRAGALATHAN Advocate SR.No. 46617

smn

JA-AAL-MPA-SAR.I/29.08.2016/2p:6C

ORDER IN
CRL OP(MD) No.15465 of 2016
Date :23/08/2016