



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

Wednesday, the Twenty Fourth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.15606 of 2016

JOSE

... PETITIONER/ACCUSED No.1

Vs

THE INSPECTOR OF POLICE,
MANDAIKADU POLICE STATION,
MANDAIKADU,
KANYAKUMARI DISTRICT.
CR. NO. 141 OF 2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.N.PRAGALATHAN, ADVOCATE

FOR RESPONDENT : Mr.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

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

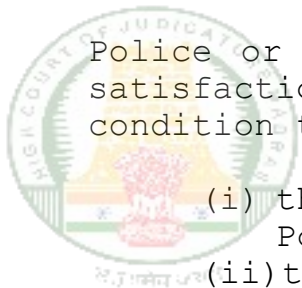
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 294(b) and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.141 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 no one sustained injury.

4.Considering the facts and circumstances of the case and also considering the fact that no one sustained 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 District Munsif cum 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]**.

5.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/-
24/08/2016

/ TRUE COPY /

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

TO

- 1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.
- 2. THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3. THE INSPECTOR OF POLICE,
MANDAIKADU POLICE STATION,
MANDAIKADU,
KANYAKUMARI DISTRICT.
- 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.N.PRAGALATHAN Advocate SR.No. 47592

ORDER IN
CRL OP(MD) No.15606 of 2016
Date :24/08/2016