



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

Wednesday, the Twenty Sixth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice M.GOVINDARAJ

CRL OP(MD) No.20460 of 2016

ALEXIES

..PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY

THE SUB INSPECTOR OF POLICE

NITHIRAVILAI POLICE STATION,

KANYAKUMARI DISTRICT.

(CRIME NO.241/2016)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.VAMANAN Advocate

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

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

ORDER : The Court Made the following order :-

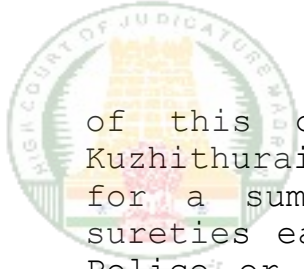
Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 323, 324, 506(ii) I.P.C., and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.241 of 2016, on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2. The case of the prosecution is that on 02.10.2016, at about 12.30 p.m., there was a wordy altercation between the petitioner and the *de facto* complainant and during the altercation, the petitioner pushed down the *de facto* complainant and beaten him with hands and legs and also attacked his wife.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent, he has no connection with this case and he has been falsely implicated in this case.

4. The learned Government Advocate (Criminal Side) appearing for the State submitted that this is a case and counter and the counter case has been registered in Crime No.242 of 2016 and the injured persons have already been discharged from the hospital.

5. Taking into consideration the nature of allegations made against the petitioner, this Court is of the view that this is a fit case to grant anticipatory bail to him. Accordingly, he 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, Kuzhithurai, 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 10.30 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/-
26/10/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI,
KANYAKUMARI DISTRICT.
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 4 THE SUB INSPECTOR OF POLICE, NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

+1. CC to M/S.K.VAMANAN Advocate SR.No.64127

ORDER IN
CRL OP(MD) No.20460 of 2016
Date :26/10/2016

PBK/SK-SKN/SAR-I 02/11/2016 ::2P-6C: