



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

Monday, the Seventh day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4005 of 2016

SATHEESH

... PETITIONER/SOLE ACCUSED

Vs

STATE REP BY THE INSPECTOR OF POLICE
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO. 718/2015)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.KANAGARAJAN for M/S L.VICTORIA GOWRI Advocate
For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)

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

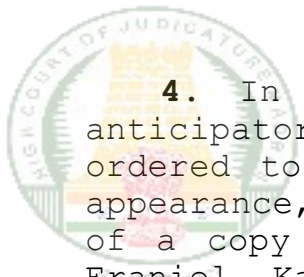
ORDER : The Court Made the following order :-

The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offence punishable under Section 366(A) I.P.C., in Crime No.718 of 2015, on the file of the respondent Police, seeks anticipatory bail.

2. Heard Mr.S.Kanagaraja, learned counsel appearing for Mrs.L.Victoria Gowri, learned counsel on record for the petitioner / accused and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is seen that earlier this Court, by Order dated 25.01.2016, in Crl.O.P.(MD) No.789 of 2016, granted anticipatory bail to the petitioner / accused. But, he had not produced sureties in time before the Court below and on account of which, the anticipatory bail granted to him got lapsed. The petitioner / accused filed an affidavit, dated 02.03.2016, giving reasons for not producing sureties in time. The relevant portion of the affidavit reads as follows:

"8. I submit that I feared the police, I was staying at Chennai with my wife. So I was not able to arrange necessary sureties within proper time I may be excused for the same and may granted with an anticipatory bail again."



4. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner / accused. 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, Eraniel, Kanyakumari District, on condition that the petitioner / accused 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 / accused shall report before the respondent Police daily at 10.00 a.m., until further orders.
- (ii) the petitioner / accused shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners / accused 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 / accused in accordance with law as if the conditions have been imposed and the petitioner / accused 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/-
07/03/2016

/ TRUE COPY /

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

TO

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

+1. CC to M/S L.VICTORIA GOWRI Advocate SR.No.12770

ORDER IN
CRL OP(MD) No.4005 of 2016
Date : 07/03/2016