



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

Thursday, the Twenty Eighth day of April Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.7410 of 2016

M.RAJAN

... PETITIONER / ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KOTTAR POLICE STATION
KANYAKUMARI DISTRICT
CR.NO.165/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S M.MALAVIYA Advocate

For Respondent : MR.A.P.BALASUBRAMANI, Govt. Advocate (Crl. Side)

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

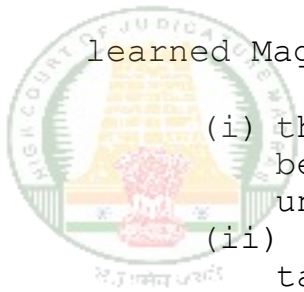
ORDER : The Court Made the following order :-

The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii), 379(NP) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.165 of 2016, on the file of the respondent Police, seeks anticipatory bail.

2. Heard Mr.M.Malaviya, learned counsel appearing for the petitioner / second accused and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. The learned Government Advocate (Criminal Side) submitted that the injured has been discharged from the Hospital and there is no previous case as against the petitioner / second accused.

4. Taking into consideration the above facts and the nature of allegations made against the petitioner / second accused, 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, Nagercoil, on condition that the petitioner / second 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 / second accused shall report before the respondent Police daily at 06.30 p.m., until further orders.
- (ii) the petitioner / second accused shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner / second 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 / second accused in accordance with law as if the conditions have been imposed and the petitioner / second 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/-
28/04/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL.
- 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
KOTTAR POLICE STATION KANYAKUMARI DISTRICT.

+1. CC to M/S M.MALAVIYA Advocate SR.No.24616

RG.ngm-ss/SAR-I 04/05/2016 2P/6C

ORDER
IN
CRL OP(MD) No.7410 of 2016
Date : 28/04/2016