



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

Friday, the Twenty Second day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.12677 of 2017

A.ANNADURAI

... PETITIONERS / 2nd ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.
(IN CRIME NO.272/2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.L.GEORGE PAUL ANTO Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

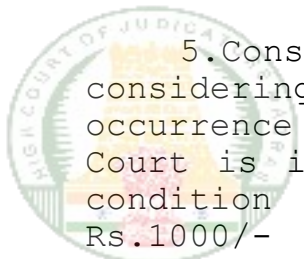
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 341, 294 (b), 352 and 506(ii) of IPC in Crime No. 272 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that due to the wordy quarrel between the defacto complainant and the accused in this case, at the instigation of A1, the petitioner herein is said to have attempted to attack with knife, but the defacto complainant moved away and hence, no injury was caused.

3.The learned Additional Public Prosecutor appearing for the respondent Police, on instruction, would submit that the petitioner in this case is arrayed as Accused No.2. The petitioner has filed anticipatory bail application before this Court in Crl.O.P (MD).No.9248 of 2017 and the same was granted by this Court on 20.07.2017. Since the petitioner failed to execute the sureties before the Judicial Magistrate No.II, Nagercoil, he filed this application as second time seeking anticipatory bail on the same set of facts.

4.The learned counsel for the petitioner states that he has admitted the above facts and further states that the defacto complainant is a practicing advocate at Nagercoil and the petitioner was unable to arrange an advocate to appear in favour of him within the stipulated time frame. He further submitted that the petitioner may be permitted to appear before the learned Judicial Magistrate, Eraniel.



5. Considering the facts and circumstances of the case and also considering the fact that no one sustained injury in the occurrence and the co-accused had already been granted bail, this Court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner is directed to deposit a sum of Rs.1000/- (Rupees one thousand only) to the District Legal Aid Services Authority, Kanyakumari. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Eraniel 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall deposit a sum of Rs.1000/- (Rupees one thousand only) to the District Legal Aid Services Authority, Kanyakumari.

[b] the petitioner shall report before the Judicial Magistrate, Eraniel daily at 10.30 a.m until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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).

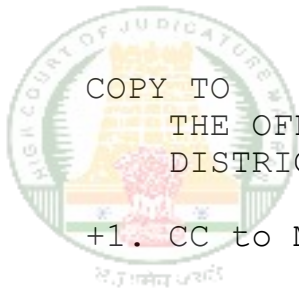
sd/-
22/09/2017

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

TO

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



COPY TO
THE OFFICER IN CHARGE,
DISTRICT LEGAL AID SERVICES AUTHORITY, KANYAKUMARI.

+1. CC to M/S.L.GEORGE PAUL ANTO Advocate SR.No.31514

WEB COPY

ORDER

IN

CRL OP(MD) No.12677 of 2017

Date :22/09/2017

MKV-MSA-SAR 3/28.09.2017/3P-7C