



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

Thursday, the Fifth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13517 of 2017

MARTIN PRAKASH

... PETITIONER / sole ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT ,
CR.NO.193/2017

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.D.SRINIVASARAGAVAN Advocate

For Respondent : Mr.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

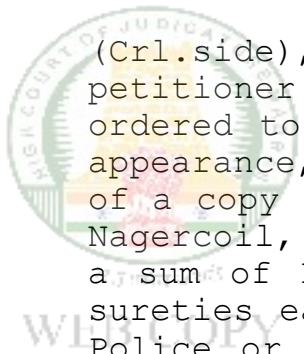
The petitioner, who is arrayed as accused, apprehends arrest at the hands of the respondent police for the offences punishable under Section 229(A) of I.P.C., in Crime No.193 of 2017, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is involved in Sessions Case in S.C.No.179 of 2015 pending on the file of II Additional Assistant Sessions Court, Nagercoil, where he failed to appear as the condition imposed by the Court, thereby the prosecution lodged a complaint under Section 229(A) of I.P.C.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested in some other case and remanded to judicial custody. Therefore, he was not able to appear before the Sessions Court for hearing and his non-appearance is neither willful nor wanton.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that since the petitioner not appeared before the Sessions Court, no other option to the Law Enforcing Agency to register a complaint under Section 229(A) of I.P.C.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate



(Crl.side), I am 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate II, Nagercoil, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 is directed to appear before the Sessions Court as per the condition imposed on the earlier occasion.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not commit any offence while on bail;
- (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 and the bail granted stands cancelled automatically.

sd/-

05/10/2017

/ TRUE COPY /

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

TO

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

+1. CC to Mr.D.SRINIVASARAGAVAN Advocate SR.No.32173

JAM/09.10.17/RR-BS/SAR 1 / 2P-6C