



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

Monday, the Fifth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1699 of 2018

A.JUSTUS @ EELTTOS

... PETITIONER / ACCUSED No.2

Vs

THE STATE REPRESENTED BY ITS
THE SUB INSPECTOR OF POLICE
MANDAIKADU POLICE STATION, MANDAIKADU,
KANYAKUMARI DISTRICT,
IN CRIME NO.8 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SANKAR PRAKASH Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 452, 294(b), 323, 427, 506(ii) of IPC., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.8 of 2018, seeks anticipatory bail.

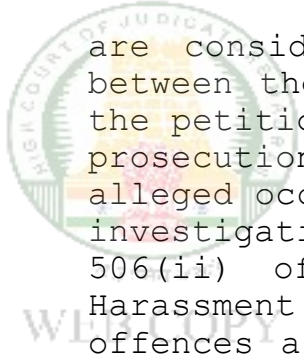
2. The case of the prosecution is that due to the previous quarrel between the petitioner and the husband of the defacto complainant, the petitioner pushed down the defacto complainant and caused injuries. Hence, the case has been registered for the above said incident.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. Hence, he prayed for anticipatory bail for the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that the injured has been discharged from the hospital. According to him, the investigation is in progress.

<https://hcservices.ecourts.gov.in/hcservices/>

5. The submissions made by the learned counsel on either side



are considered. It is alleged that due to the previous quarrel between the petitioner and the husband of the defacto complainant, the petitioner pushed down the defacto complainant. According to the prosecution, the person, who sustained injury during the time of alleged occurrence was discharged from the hospital after completing investigation. Further, except the offence under Sections 452, 506(ii) of IPC., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, all other petition mentioned offences are bailable in nature. Hence, custodial interrogation of the petitioner may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is 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 his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Eraniel, Kanyakumari District, 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 shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

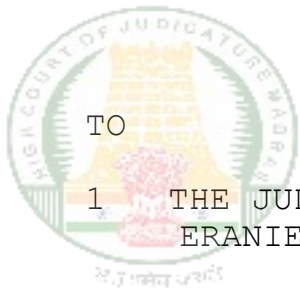
(iii) the petitioner shall not abscond either during investigation or trial;

(iv) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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/-
05/02/2018

/ 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 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE SUB INSPECTOR OF POLICE
MANDAIKADU POLICE STATION, MANDAIKADU,
KANYAKUMARI DISTRICT,

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.C.SANKAR PRAKASH Advocate SR.No.1966

pjl

JAM/07/02/2018/PM-PN/ SAR 1 / 3p-6c

ORDER

IN

CRL OP(MD) No.1699 of 2018

Date :05/02/2018