



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.94 of 2018

BERDIN @ BERDINAN W.CONSAL

... PETITIONER/SOLE ACCUSED

Vs

THE STATE TAMILNADU,
THE SUB INSPECTOR OF POLICE,
COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT
(CRIME NO.467 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.RUSSEL RAJ Advocate

For Respondent : M/S.S.BHARATHI Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

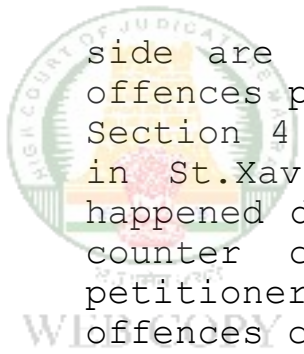
The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 452, 323, 506(ii) of IPC and Section 4 of TNPHW Act in Crime No.467 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that due to love affairs, the petitioner trespassed into the house of the de facto complainant and caused simple injury as well as threatened with dire consequences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences and he is the student in St.Xaviour college and hence, he pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that the investigation is still pending.

5.The submissions made by the learned counsel on either



side are considered. This case has been registered for the offences punishable under Sections 452, 323, 506(ii) of IPC and Section 4 of TNPHW Act. The petitioner herein is the student in St.Xaviour college, Nagercoil. The alleged offence was happened due to love affairs with the de facto complainant. A counter case has also been registered. Admittedly, the petitioner is not having any previous case even though, the offences committed by the petitioner is grave in nature.

6.Considering the fact that the petitioner is the student and also considering his future and also taking all the above said aspects into consideration and having regard to the nature of offence, 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Eraniel, Kanyakumari District, on condition that each of 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 evening at 5.00 p.m. until further orders.

(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 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/-
10/01/2018

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gns/smn2

TO

1 THE JUDICIAL MAGISTRATE, ERANIEL, KANYAKUMARI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.

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

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

+1. CC to M/S.R.RUSSEL RAJ Advocate SR.No.588

GJM/CM/VR/SAR-I-17.1.18-3P-6C

ORDER

IN

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Date :10/01/2018