



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Twelfth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20155 of 2018

P. VICTOR

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
IN CRIME NO. 445 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SHEMA DANIEL Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

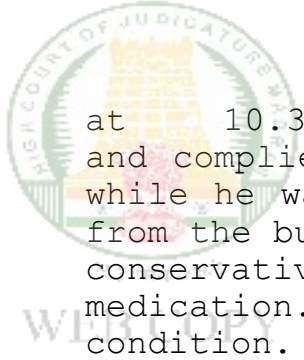
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b),, 324 and 506 (ii) I.P.C. in Crime No.445 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that there was a dispute between the petitioner and the de facto complainant and the de facto complainant gave a complaint against the petitioner stating that on 10.09.2018, the de facto complainant put up the construction materials in front of the petitioner's house, due to which, wordy quarrel arose between the petitioner and the de facto complainant. Hence a complaint in Crime No.445 of 2018 has been filed against the petitioner.

3. It is seen that the petitioner was already granted anticipatory bail by the learned Principal District and Sessions Judge, Nagercoil, Kanyakumari District in Cr.M.P.No.3599 of 2018 on 21.09.2018. In Cr.M.P.No.3599 of 2018, the petitioner is directed to appear before the learned Judicial Magistrate, Sengottai, daily



at 10.30 A.M. On 26.09.2018, the petitioner went to Sengottai and complied the conditions imposed on him. Again on 27.09.2018, while he was on the way to Judicial Magistrate Court, he fell down from the bus and sustained injuries on his left leg. He was treated conservatively with (L) Below Knee POP lab application and medication. Hence, he was unable to comply with the said condition. Thereafter, he filed a petition before the learned Principal Sessions Judge, Kanyakumari in Cr.M.P.No.3594 of 2018, seeking relaxation and the same was dismissed on the ground that the petitioner complied the condition for only one day on 26.09.2018 and he did not comply the condition from 27.09.2018. Hence, the learned Judicial Magistrate cancelled the earlier anticipatory bail in favour of the petitioner. Therefore, the petitioner has filed this present Petition.

4. The learned counsel appearing for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged offence

5. Taking into consideration the facts of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the learned Judicial Magistrate, Eraniel, Kanyakumari District daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation.

[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].



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/11/2018

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/ 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.
 - 3 THE INSPECTOR OF POLICE
ERANIEL POLICE STATION, KANYAKUMARI DT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.M.SHEMA DANIEL Advocate SR.No. 21376

ORDER
IN
CRL OP(MD) No.20155 of 2018
Date :12/11/2018

JM/VR MMS/SAR 4/19.11.2018/3P/6C