



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

Monday, the Twelfth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20208 of 2018

PUSHBA RAJ

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.342/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.RAJESHWARAN Advocate

For Respondent : M/S.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), 323, 427 and 506(ii) of I.P.C, in Crime No.342 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a mosquito repellant machine agent and mechanic, when he went to repair machine at Thiruvattar Panchayath Office, the petitioner abused and attacked the defacto complainant and caused damage to the wind shield of the Car worth about Rs.4,000/-. Hence a case registered against the petitioner herein.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.



5. Taking into consideration the facts of the case and the submissions by learned counsels, 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 No.II, Padmanabapuram, 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, if the respondent police need the petitioner for enquiry, only issue proper summons and on further condition that:

[a] the petitioner shall report before the learned Judicial Magistrate No.II, Padmanabapuram, Kanyakumari District daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

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

[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

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
PADMANABAPURAM, KANYAKUMARI DISTRICT.

2 -DO- THROUGH THE CHIEF
JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.



3 THE SUB INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.K.RAJESHWARAN Advocate SR.No.21449

ORDER
IN
CRL OP(MD) No.20208 of 2018
Date :12/11/2018

JM/PN/SAR 2/14.11.2018/3P/6C