



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

Monday, the Nineteenth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20503 of 2018

MAHESWARAN

... PETITIONER / ACCUSED

Vs

STATE REP. BY  
THE SUB INSPECTOR OF POLICE,  
ERANIEL POLICE STATION,  
KANYAKUMARI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.H.S.PRATHAP Advocate

For Respondent : MR.M.ASOKAN, Government Advocate (Crl.Side)

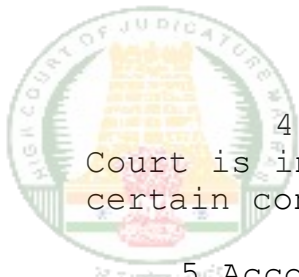
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was granted anticipatory bail by the Principal Sessions Judge, Kanyakumari District at Nagercoil in Crl.M.P.No.3358 of 2018, dated 01.11.2018 and one of the condition is that the petitioner should appear before the Eraniel Police Station daily at 10.30 a.m. The petitioner, on executing the sureties, was complying with the conditions. The petitioner thereafter filed relaxation petition in Crl.M.P.No.3769 of 2018 before the Sessions Judge, wherein, it was reported that the petitioner was not regularly appearing before the respondent Police. Hence, the Sessions Judge had cancelled the anticipatory bail granted to the petitioner.

2. The learned counsel appearing for the petitioner submits that the petitioner had been regularly complying with the condition, but the respondent Police have not recorded the same and have given incorrect particulars to the learned Sessions Judge, which made the Sessions Judge to cancel the anticipatory bail.

3. Heard the learned Government Advocate (Crl.Side) in this regard.



4. Considering the submissions made by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions;

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Principal District Munsif Cum Judicial Magistrate, Eraniel 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 learned Magistrate concerned and on further condition that;

[a] if the petitioner fail 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 Principal District Munsif Cum Judicial Magistrate, Eraniel daily at 10.30 a.m until further orders.

[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/-  
19/11/2018

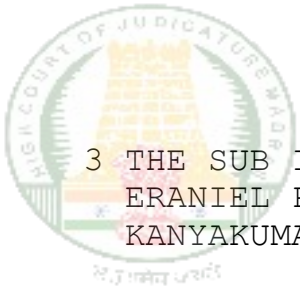
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Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1 THE PRINCIPAL DISTRICT MUNSIF  
CUM JUDICIAL MAGISTRATE, ERANIEL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANAKARUARI AT NAGERCOIL.



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

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

+1. CC to M/S.K.RAMAMURTHI Advocate SR.No. 21706

ORDER  
IN  
CRL OP(MD) No.20503 of 2018  
Date :19/11/2018

JM/VR MMS/SAR 4/23.11.2018/3P/6C