



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

Monday, the Twenty Sixth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20797 of 2018

REJIKUMAR

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
ASARIPALLAM, NAGERCOIL,
KANYAKUMARI DISTRICT.
CRIME NO.135/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.MOHAMED HANEEF Advocate

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

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

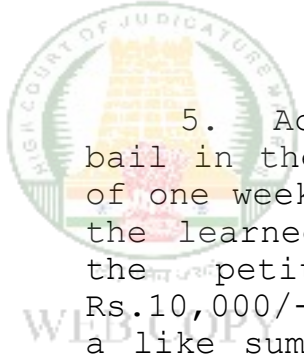
ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 323, 324, 332 of IPC and Section 4 of Prohibition of women Harassment Act in Cr.No.135 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was met with an accident and sustained some injuries for which, he was admitted in the Government Hospital, Aasaripallam in ICU and he was taking treatment for the injuries sustained by him and surgery was conducted. At that time, the petitioner had removed his venplant from his hand and threatened the others and pushed down the defacto complainant, who is working as nurse in the said hospital and slapped her on her face and hence, she has given a complaint.

3. The learned Additional Public Prosecutor would submit that the petitioner is still taking treatment as Inpatient in the said hospital.

4. 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.



5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of one week from the date of his discharge from the hospital, before the learned Judicial Magistrate No.I, Nagercoil 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 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 respondent police 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/-
26/11/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.1,
NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI.
- 3 THE SUB INSPECTOR OF POLICE,
ASARIPALLAM, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.20797 of 2018
Date :26/11/2018