



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

Wednesday, the Twenty Eighth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21108 of 2018

RAJAN @ LINGAM

... PETITIONER / ACCUSED No. 2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
KALIAKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.74 of 2008

... RESPONDENT / COMPLAINANT

For Petitioner : MR.H.VELAVADHAS Advocate

For Respondent : MR.M.ASOKAN, Govt. 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 offences punishable under Section 395 IPC in Crime No.74 of 2008, seeks anticipatory bail.

2. The case of the prosecution is that since the petitioner and others committed an offence, one Krishnan Nair lodged a complaint against them and the same was registered by the respondent police in Crime No.74 of 2008. After completing the investigation, the respondent police filed a charge sheet and the same is taken on file in PRC.No.19 of 2008 before the Judicial Magistrate No.I, Kuzhithurai. Since the petitioner failed to appear before the trial Court, Non Bailable Warrant was issued against him on 15.02.2017.

3. The learned counsel for the petitioner submitted that till the year 2017, the petitioner has been regularly appearing before the trial Court.

4. The learned Government Counsel (Crl.side) submitted that other than this petitioner, all the other accused are appearing before the trial Court, regularly. He further submitted that the case is at the stage of committal in PRC.No.19 of 2008 and the same is pending for trial for the past 10 years.



5. Considering the same, 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 Court No.1, Kuzhithurai, 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 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 Lower Court daily at 10.00 am, 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/-
28/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO I
KUZHITHURAI, KANYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE,
KALIAKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.



3

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

+1. CC to MR.H.VELAVADHAS Advocate SR.No. 22284

WEB COPY

ORDER

IN

CRL OP (MD) No.21108 of 2018

Date :28/11/2018

MSI/VR-MMS/SAR-III/05.12.2018-3P/6C