



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Twelfth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21694 of 2018

1 D.ANANDHA KUMAR
2 M.SRIRAM

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

1 THE DEPUTY SUPERINTENDENT OF POLICE,
KANYAKUMARI SUB DIVISION,
KANYAKUMARI.

2 THE INSPECTOR OF POLICE,
MANAVALAKURICHI POLICE STATION,
MANAVALAKURICHI, KANYAKUMARI DISTRICT.
(CRIME.NO.165/2018)

... RESPONDENTS / COMPLAINANTS

For Petitioners : Mr.D.GEETHA Advocate

For Respondents : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 447 I.P.C and 14(b), 14(A) and 14(C) of the Foreigners Act, in Crime No.165 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are Reporters, who had helped the foreigners for their stay and other facilities in India.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence. Hence, prayed for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners are working as



Journalists. They have no previous cases and investigation is going on.

5. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Eraniel on condition that the petitioners shall each 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 petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

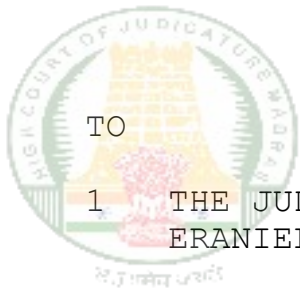
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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/-
12/12/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
ERANIEL.

2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
KANYAKUMARI SUB DIVISION,
KANYAKUMARI.

4 THE INSPECTOR OF POLICE,
MANAVALAKURICHI POLICE STATION,
MANAVALAKURICHI, KANYAKUMARI DISTRICT.

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

+1. CC to MR.D.GEETHA Advocate SR.No.23256

PS/JC/SAR-4/20.12.2018/3P/7C

ORDER

IN

CRL OP(MD) No.21694 of 2018

Date :12/12/2018