



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

Friday, the Thirtieth day of November Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD) No.21247 of 2018

R.STALIN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE  
KARUNGAL POLICE STATION,  
KANYAKUMARI DISTRICT.  
IN CRIME NO.413 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.ANTONY ARUL RAJ, 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 Sections 294(b), 323 and 506(ii) of I.P.C., in Crime No.413 of 2018, seeks anticipatory bail.

2. The learned counsel for the petitioner would submit that there is a property dispute among the family members the present complaint has been lodged by the defacto complainant. He would further submit that the petitioner is a physically challenged person and also working in Panchayat Board and that the petitioner is a innocent person.

3.The learned Government Advocate would submit that this is a counter case and a case has been registered against the defacto complainant in Crime No.412 of 2018 for the offences under Section 294(B), 324, 307 and 506(ii) of I.P.C.

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



fifteen days from the date of receipt of a copy of this order, before the learned 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 said Magistrate, on further condition that:

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**[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/-

30/11/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ERANIEL.
  2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.
  3. THE INSPECTOR OF POLICE  
KARUNGAL POLICE STATION, KANYAKUMARI DISTRICT.
  4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.T.ANTONY ARUL RAJ Advocate SR.No.22461

ORDER

IN

CRL OP(MD) No.21247 of 2018

Date :30/11/2018