



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1035 of 2019

JOHNSON

... PETITIONER/ACCUSED No.1

Vs

THE STATE REPRESENTED BY,
THE SUB INSPECTOR OF POLICE,
VADASERY POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.24/2019

... RESPONDENT/COMPLAINANT

For Petitioner : MR.N.DILIP KUMAR, Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

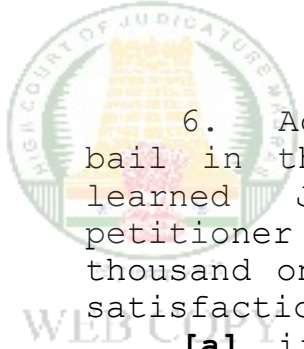
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 447, 323 and 506(i) of IPC in Cr.No.24 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, when the *de facto* complainant was in his house, at the instigation of the petitioner, two unknown persons trespassed into his house and attacked the *de facto* complainant and caused injuries and threatened him with dire consequences.

3. The learned counsel for the petitioner would submit that it is a false case foisted against the petitioner and also submitted that he has not involved in the alleged occurrence.

4. The learned Government Advocate(Crl.Side) would submit that the injured had been discharged from the hospital.

5. Taking into consideration the facts of the case and the submissions by learned counsels and that the injured has been discharged from the hospital, this Court inclined to grant anticipatory bail to the petitioner.



6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate-II, Nagercoil on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails 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 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/-

24/01/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
NAGERCOIL, KANYAKUMARI DSTRIC
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL
 - 3 THE SUB INSPECTOR OF POLICE,
VADASERY POLICE STATION, KANYAKUMARI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.N.DILIP KUMAR, Advocate SR.No.1371

ORDER IN
CRL OP(MD) No.1035 of 2019
Date :24/01/2019