



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

Friday, the Twenty Fifth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1061 of 2019

RAJINEESH

... PETITIONER /SOLE ACCUSED

Vs

THE STATE REP. BY ITS,
THE SUB-INSPECTOR OF POLICE
BHOOTHAPANDI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.150/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR. J. MUNEEKHAN Advocate

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

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

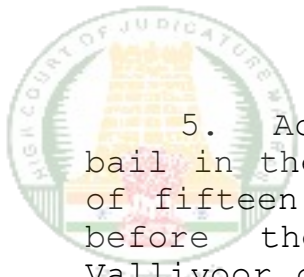
ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341 and 506(i) of IPC, in Cr.No.150 of 2018, seeks anticipatory bail.

2.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Further, the petitioner has already filed Crl.O.P(MD)No.9284 of 2018 for anticipatory bail before this Court and this Court vide order, dated 08.06.2018, granted anticipatory bail to him. He could not produce the sureties before the Judicial Magistrate for the reason that he could not able to mobilize the sureties. Hence, the petitioner has come up with the present petition.

3.Heard the learned Government Advocate (Criminal side).

4.Considering the facts and circumstances of the case and also the considering fact that this Court has already granted anticipatory bail to the petitioner vide order dated 08.06.2018 made in Crl.O.P(MD)No.9284 of 2018, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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 District Munsif-cum- Judicial Magistrate, Valliyoor 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 failed 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 daily at 10.00 a.m., for a period of one week and thereafter, 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/-
25/01/2019

/ TRUE COPY /

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

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VALLIYOOR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANIYAKUMARI DISTRICT AT NAGERCOIL

3 THE SUB INSPECTOR OF POLICE
BHOOTHAPANDI POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. CC to MR. J. MUNEERKHAN Advocate SR.No.1538

ORDER IN

CRL OP(MD) No.1061 of 2019

Date :25/01/2019