



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

Friday, the Twenty Second day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2723 of 2019

SREE KUMAR

... PETITIONER / ACCUSED No.1

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
MANAVALAKURICHI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.22/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.SELVAKUMARAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

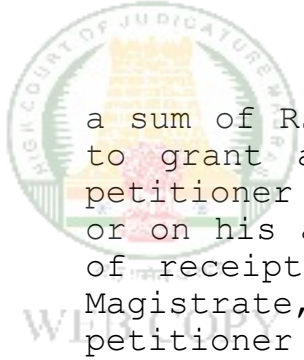
The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(4), 427, 506(2) IPC in Cr.No.22 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that due to some dispute, the petitioner attacked the defacto complainant and damaged household articles, worth about Rs.10,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. However, on instructions, he would submit that the petitioner is ready and willing to deposit a sum of Rs.5,000/- to the credit of crime number, without prejudice to his defence.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that no one injured in the occurrence.

5.Considering the facts and circumstances of the case and considering the fact that the petitioner is come forward to deposit



a sum of Rs.5,000 to credit of crime number, this Court is inclined to grant anticipatory bail to the petitioner. 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, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall deposit a sum of Rs.5,000/- to the credit of Cr.No.22 of 2019 before the learned Judicial Magistrate, Eraniel, Kanyakumari District and the learned Magistrate shall disburse the deposited amount to the defacto complainant, without filing any proper application;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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]**; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.
 2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 3. THE SUB INSPECTOR OF POLICE,
MANAVALAKURICHI POLICE STATION,
KANYAKUMARI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.T.SELVAKUMARAN Advocate SR.No.3596

ORDER
IN
CRL OP (MD) No.2723 of 2019
Date :22/02/2019

GNS
AE/PN/SAR-II/06.03.2019/3P/6C