



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

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3055 of 2019

SATHEESH @ SATHEESH KUMAR

... PETITIONER /SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE,
KOLLENCODE POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.13/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.C.HEROLD SINGH 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 :-

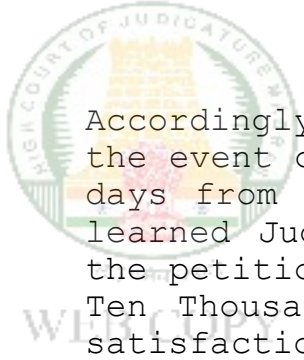
The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294 (b), 323 and 506 (ii) of IPC in Cr.No.13 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that due to family dispute the petitioner abused the defacto complainant, attacked him and threatened him with dire consequences and hence, the defacto complainant preferred a complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he has have nothing to do with the alleged offence.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that injured has been discharged from the hospital

5.Considering the facts and circumstances and considering the fact that the injured had been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.



Accordingly, the petitioners are 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, No.II, Kuzhithurai 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 report before the respondent police daily at 10.30 a.m.,until further orders;

(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]**; and;

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

sd/-
27/02/2019

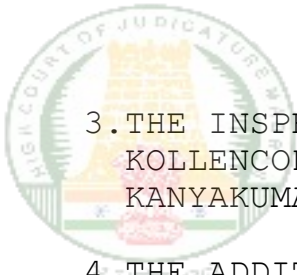
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE NO.II,
KUZHITHURAI.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
KANAKUMARI DISTRICT AT NAGERCOIL.



3. THE INSPECTOR OF POLICE,
KOLLENCODE POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to MR.S.C.HEROLD SINGH Advocate SR.No.3922

ORDER

IN

CRL OP (MD) No.3055 of 2019

Date :27/02/2019

aav

AE/PN/SAR-II/04.03.2019/3P/6C