



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

Wednesday, the Third day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5043 of 2019

R.RAJESH,

... PETITIONER / UNKNOWN ACCUSED NO.

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
NESAMONEY NAGAR POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.74/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.R.ANBARASU 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 147, 148, 294(b), 307, 323, 324 and 341 of IPC in Cr.No.74 of 2018, on the file of the respondent police, seeks anticipatory bail.

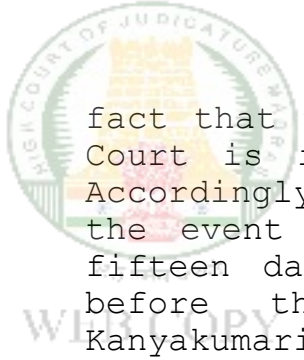
2.It is the case of the prosecution that due to previous enmity between the petitioner and the defacto complainant, the petitioner waylaid the defacto complainant and abused using filthy language and also assaulted him with iron rod and wooden log. Hence, the defacto complainant preferred a complaint 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 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. He would further submit that investigation is still pending.

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5.Considering the facts and circumstances and considering the



fact that the injured has been discharged from the hospital, 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 their 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, Nagercoil, 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 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/-
03/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
NAGERCOIL, KANYAKUMARI DISTRICT.

<https://hservices.ecourts.gov.in/hservices/>
2. DO THRU THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



3. THE INSPECTOR OF POLICE,
NESAMONEY NAGAR POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to MR.S.SURESHKUMAR, Advocate (SR-6024[I] dated 03/04/2019)

ORDER

IN

CRL OP(MD) No.5043 of 2019

Date :03/04/2019

vsg

AE/MMS/SAR-II/08.04.2019/3P/6C