



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

Monday, the Fifteenth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5586 of 2019

S.SHAJI,

... PETITIONER / ACCUSED NO.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ETHAMOZHI POLICE STATION, ETHMOZHI,
KANYAKUMARI DISTRICT.
(CRIME.NO.34/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.L.GEORGE PAUL ANTO Advocate

For Respondent : Mr.K.SUYAMBULINGA BHRATHI 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 offences under Sections 294(b), 324, 307 and 506(ii) of IPC in Cr.No.34 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on 20.02.2019 at about 08.30 p.m., the defacto complainant and his friends were attacked by the accused persons with deadly weapons due to the previous enmity. Hence, this complaint is lodged.

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.

5.Considering the facts and circumstances of the case 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 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 No.3, 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 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]**; and;

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

sd/-

15/04/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO-3,
NAGERCOIL, KANYAKUMARI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
ETHAMOZHI POLICE STATION, ETHMOZHI,
KANYAKUMARI DISTRICT .

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

+1. CC to Mr.L.GEORGE PAUL ANTO Advocate SR.No.6765
PS/MMS/SAR-3/22.04.2019/2P/6C

ORDER

IN

CRL OP(MD) No.5586 of 2019

Date :15/04/2019