



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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.6944 of 2019

JOHN BRIDGEN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.257/2015)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.K.M.APPAJI, Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

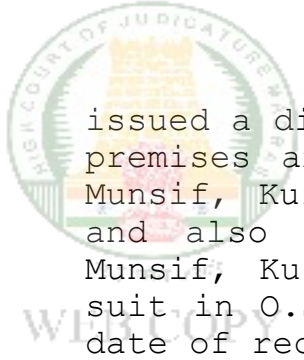
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 174 Cr.P.C., @ 306 IPC in Cr.No.257 of 2015, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on 24.04.2015, one Jeyachandra/husband of the de-facto complainant, has committed suicide by consuming poison. Immediately, thereafter, the Law Enforcing Agency has registered the case in Crime no.257 of 2015 under Section 174 Cr.P.C. After investigation, it is found that the petitioner and his brother by name John Sugirgen (A1) entered into an unregistered tenancy agreement with the deceased Jeyachandra, on 07.10.2013 upto five years. The petitioner is running a scan centre in the name and style of the Global Scan Centre. They laid unnecessary condition to vacate the tenanted portion and gave life threat to him and due to their abrupt behaviour, the deceased got panic and committed suicide. Subsequently, the case was altered into 306 IPC. Hence, this petition has been filed.

3.The learned counsel appearing for the petitioner would submit that on an earlier occasion, the petitioner filed a petition in Crl.O.P. (MD) No.4459 of 2019, this Court dismissed the petition and



issued a direction to the Law Enforcing Agency to seize and seal the premises and hand over the key to the learned Principal District Munsif, Kuzhithurai, with the suit in O.S.No.3 of 2019 is pending and also issued a direction to the learned Principal District Munsif, Kuzhithurai to pass appropriate orders and dispose of the suit in O.S.No.3 of 2019, within a period of three months from the date of receipt of a copy of that order.

4.The learned counsel for the petitioner, on instructions, further submitted that since the petitioner wants to settle the issue amicably and inclined to withdraw the suit, pending before the competent civil Court in the first week of June and further, the key was handed over to the Law Enforcing Agency, this Court may direct the Law Enforcing Agency to hand over the key to the de-facto complainant and enable the de-facto complainant to take possession of the property. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl.Side) appearing for the State would submit that since the petitioner himself has come forward to settle the issue amicably and handed over the key to the de-facto complainant and withdraw the suit, this Court may pass appropriate orders.

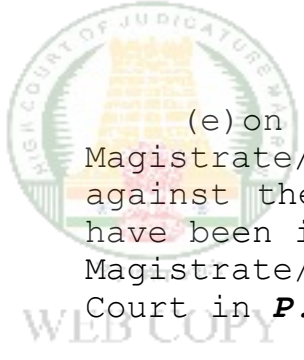
6.Considering the facts and circumstances of this case and considering the fact that the petitioner himself has come forward before this Court and agreed to hand over the key to the de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner 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.I, 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 learned 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 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



(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/-

16/05/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.C.K.M.APPAJI Advocate SR.No.8464

ORDER

IN

CRL OP(MD) No.6944 of 2019

Date :16/05/2019

MS/MMS/SAR-2/17.05.2019/3P.6C