



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.7120 of 2019

NELSON

... PETITIONER/ACCUSED No.2

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
ERVADI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 161/2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.PONKARTHKEYAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/accused no.2, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 294(b) of IPC and Section 4 of Women Harassment Act, in Crime No.161 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.Heard Mr.R.Ponkarthikeyan, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The case of the prosecution is that the first accused and the *defacto* complainant are neighbours and due to previous enmity, on the instigation of the first accused, the petitioner poured paint on the *defacto* complainant and insulted her. Hence, the complaint.

4.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to this petitioner.



5.The learned Government Advocate (Crl Side) appearing for the respondent on instruction submitted that Accused no.1 was granted anticipatory bail by this Court in Crl.O.P.(MD)No.1457 of 2018 dated 09.08.2018.

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6.Taking into consideration of the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl Side), this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7.Accordingly, the petitioner is ordered to be released on bail on executing a bond in the event of arrest or on his appearance, for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of learned Judicial Magistrate, Nanguneri and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.

[c] the petitioner shall not tamper the evidence or witness either during investigation or trial.

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC.

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-

15/05/2019

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

TO

1.THE JUDICIAL MAGISTRATE,
NANGUNERI, TIRUNELVELI DISTRICT.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
TIRUNELVELI DISTRICT.



3. THE INSPECTOR OF POLICE
ERVADI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.R. PONKARTHKEYAN Advocate SR.No.8561

ORDER

IN

CRL OP(MD) No.7120 of 2019

Date :15/05/2019

MRN

PK/JC/SAR-3/22.05.2019 : 3P/6C