



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

Friday, the Twenty Fifth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20587 of 2018

1 ALAGUVEL
2 ARJUNA RAJA

... PETITIONER / ACCUSED 1 AND 2

Vs

STATE REP. BY
THE SUB - INSPECTOR OF POLICE
KOTTIKODE POLICE STATION,
KANYAKUMARI DISTRICT.
IN CR NO. 61 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.SURESH 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 506(i) of IPC in Cr.No.61 of 2018 seek anticipatory bail.

2.The case of the prosecution is that on 05.02.2016, the petitioners have approached the defacto complainant for purchasing cashew nuts and thereafter the cashew nuts given to the second petitioner in the presence of the first petitioner, but the amount of Rs.2,89,000/- has not been given to the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that out of Rs.2,89,000/- Rs.30,000/- was paid by the petitioner and for the balance amount he had issued cheque for surety.

4.Heard the learned Government Advocate(Crl.Side) appearing for the respondent.

4.Taking into consideration the facts and circumstances of the case, this Court inclined to grant anticipatory bail to the petitioners.



5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Padmanabapuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

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

[d] the petitioners 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 petitioners 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
PADMANABAPURAM, KANIYAKUMARI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANIYAKUMARI DISTRICT AT NAGERCOIL
- 3 THE SUB INSPECTOR OF POLICE
KOTTIKODE POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.M.SURESH Advocate SR.No.1492

ORDER IN
CRL OP(MD) No.20587 of 2018
Date :25/01/2019