



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/07/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10553 of 2019

Subin Raj

... Petitioner/Accused

Vs

State rep. by
The Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Cr.No.628/2018).

... Respondent/Complainant

For Petitioner : M/s.K.P.Narayanakumar,
Advocate.

For Respondent : Mr.A.P.G.Ohmchairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Cr.No.628/2018 on the file of the
respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 427,
294(b) and 506(i) of IPC in Crime No.628 of 2018, seeks anticipatory
bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioner has
submitted that due to previous enmity, a false case has been



registered against the petitioner. He further submitted that the petitioner is an innocent and he has been falsely implicated in the above case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent has submitted that the petitioner and other accused persons damaged the window of the defacto complainant worth about Rs.500/-. She further submitted that investigation is still pending. Thus, she opposed this petition. However, she fairly conceded that no previous case is pending against the petitioner.

5. Taking into consideration the fact that no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

6. 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, Eraniel, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall deposit a sum of Rs.500/- to the credit of Crime No.628 of 2018 before the learned Judicial Magistrate, Eraniel, without prejudice his defence before the trial Court;.

(iii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) 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.R.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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

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

TO

- 1 THE JUDICIAL MAGISTRATE
ERANIEL, KANYAKUMARI DISTRICT
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL
 - 3 THE SUB INSPECTOR OF POLICE
ERANIEL POLICE STATION, KANYAKUMARI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.P.NARAYANAKUMAR Advocate SR.No.12396

ORDER
IN
CRL OP(MD) No.10553 of 2019
Date :26/07/2019

vsg
JMN/PN/SAR-1/01.08.2019/3P-6C