

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11039 of 2019

Akil, ... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime No.202 of 2019).

... Respondent/Complainant

For Petitioner : M/s.J.Muneerkhan,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

for Anticipatory Bail in Crime No.202 of 2019 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 Section 379 of
IPC in Crime No.202 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that a false case has been registered against the
petitioner. He further submitted that the petitioner is an innocent
person and he has been falsely implicated in the above case.
However, on instruction, he submitted that the petitioner is ready
to deposit the cost of the calf that is Rs.3,000/- (Rupees Three

Thousand Only) without prejudice to his defence. Hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that the petitioner has stolen a calf of the defacto complainant. Thus, she opposed this petition. However, she fairly conceded that the petitioner himself has come forward to pay a sum of Rs.3,000/-and no previous case is pending against the petitioner.

6.Taking into consideration the submission made by the learned counsel for the petitioner that the petitioner is ready to deposit the cost of the calf that is Rs.3,000/-(Rupees Three Thousand Only) and no previous case is pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

7. 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 Judicial Magistrate Court, 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.3,000/- (Rupees three Thousand Only) to the credit of Crime No.202 of 2019 before the Judicial Magistrate Court, 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.K.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.

sd/-
21/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ERANIEL
- 2 THE CHIEF JUDICAIL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.11039 of 2019
Date :21/08/2019

vsg

AE/JC/SAR-II (28.08.2019) 3P-5C

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