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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10881 of 2019

Kannan @ Kanna

... Petitioner/Accused No.1

- Vs-

State Rep.by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No.271/2019)

... Respondent/Complainant

For Petitioner : M/s.S.R.Sathan Boopathy,
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 Cr.No.271/2019 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 Sections 147, 447, 294(b), 427 and 506(ii) of IPC and Section 4 of TNPHW Act, in Crime No.271 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. He further submitted that except the offences under Section 506(ii) of IPC and Section 4 of TNPHW Act, all other offences are bailable in nature. However, on instruction, he further submitted that the petitioner is ready to deposit a sum of Rs.1,500/- (Rupees One Thousand and Five Hundred Only) to the credit of the crime No.271 of



2019 without prejudice to his rights. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. side) appearing for the respondent police has submitted that the petitioner and other accused persons damaged the property of the church worth about Rs.1,500/- and also attacked 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.1,500/- and hence, she has no serious objection for grant of anticipatory bail.

5. Taking into consideration the submission made by the learned counsel for the petitioner that the petitioner is ready to pay a sum of Rs.1,500/- being the value of the damage caused, 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 Additional Mahila Court, Nagarkoal, Kanyakumari District, 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.1,500/- (Rupees One Thousand and Five Hundred Only) to the credit of Crime No.271 of 2019 before the Judicial Magistrate Additional Mahila Court, Nagarkoal, Kanyakumari District, without prejudice to 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.

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

TO

1. THE JUDICIAL MAGISTRATE, ADDITIONAL MAHILA COURT,
NAGERKOIL, KANYAKUMARI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 3. THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION, KANYAKUMARI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.R.SATHAN BOOPATHY Advocate SR.No.12739

ORDER

IN

CRL OP(MD) No.10881 of 2019

Date :01/08/2019

MS/VR/SAR-3/02.08.2019/3P.6C