



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11474 of 2019

Anilkumar,

... Petitioner/Accused No.2

Vs

The state through
The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District,
Crime No.229/2015.

... Respondent/Complainant

For Petitioner : M/s. R. Rajesh,
Advocate.

For Respondent : Ms.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. 229 of 2015 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 294 (b), 323, 324, 427 and 506 (ii) of IPC, in Crime No.229 of 2015, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner herein has been arrayed as A2. He further submitted that as per the FIR, A1 alone has attacked the defacto complainant with knife and sofar as this petitioner is concerned, he assaulted the defacto complainant with hands. The petitioner and two others have caused damaged to the Auto Rickshaw to the value of Rs.2,000/-. He further submitted that the



petitioner is willing to deposit the damage amount to the credit of crime number without prejudice to their defence. He further submitted that even though the petitioner was in custody in another case, the respondent police has not taken any steps to remand the petitioner in this case and the petitioner after coming out bail in that case, the respondent police may arrest the petitioner, and hence, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that absconding charge sheet was filed even in the year 2015. But, sofar charge sheet has not been taken on file. She further submitted that the petitioner is a history sheeter and if he is released on bail he will not appear before the trial Court. She further submitted that the petitioner and two others have caused damage to the Auto Rickshaw to the value of Rs.2,000/-. Therefore, she strongly opposed this petition.

5.Taking into consideration of the fact that the petitioner was in custody in another case, but the respondent has not taken any steps to remand the petitioner in this case and also the fact that already investigation has been completed and charge sheet was also filed, but, sofar case was not taken on file and also the submission made by the learned counsel for the petitioner that the petitioner is willing to deposit the value of the damage said to have been caused (Rs.2,000/-), this Court is inclined to grant anticipatory bail to the petitioner with 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, Padmanabhapuram, No.2, Kanyakumari District, 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 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]the petitioner shall deposit a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Crime No.229 of 2015 before the learned Judicial Magistrate, Padmanabhapuram, No.2, Kanyakumari District, without prejudice to his defence before the trial Court;

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

(iii) the petitioners 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 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].

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

sd/-
19/08/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.2
PADMANABHAPURAM
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. R. RAJESH Advocate SR.No.13754

ORDER
IN
CRL OP(MD) No.11474 of 2019
Date :19/08/2019