



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

Date : 01/07/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
CRL OP(MD) . No.6512 of 2020

Sylas

... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District
(Crime No.54 of 2020).

... Respondent/Complainant

For Petitioner : M/s.D.Srinivasaragavan,
Advocate.

For Respondent : Mr.S..Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime no.54 of 2020 on the file of the respondent police.

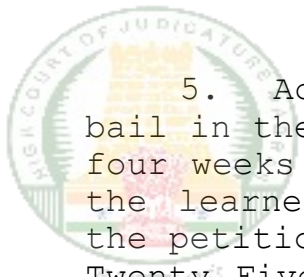
ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 341,294 (b),323 and 506(ii) of IPC seeks anticipatory bail.

2. The case has been registered against this petitioner for intimidating the witness in the criminal case registered against him. When the petitioner earlier approached this Court in Crl.O.P (MD) No.4139 of 2020 seeking anticipatory bail, this Court had dismissed the petition on 05.03.2020 on the ground that four unknown accused persons are yet to be secured. Unless these accused persons are secured and interrogated it is impossible for the investigating agency to proceed further. Even after lapse of 100 days after dismissal of earlier petition the respondent police could not secure either the petitioner or other absconding accused.

3. The learned counsel for the petitioner would reiterated that is the foisted case by the police since the petitioner gave complaint against the Sub Inspector of Police attached to the respondent police station.

4. Taking note of the facts and circumstances of the case and also taking note of the submission made by the learned counsel for the petitioner this Court is inclined to grant anticipatory bail to the petitioner.



5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Nagercoil on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders

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

[d] the petitioner 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 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]**.

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

sd/-
01.07.2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. The Judicial Magistrate No.II, Nagercoil.

2. -Do- Through The Chief Judicial Magistrate,
Kanyakumari at Nagercoil.

3. The Inspector of Police,
Vadaseri Police Station, Kanyakumari
District (Crime No.54 of 2020).

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.6512 of 2020

Date : 01/07/2020

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