



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7115 of 2020

J.Jose

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Colachel,
Kanyakumari District.

... Respondent/Complainant

J.Prabha

... Intervene Petitioner/
Defacto Complainant

For Petitioner : M/s S.Suganth Sam Abraham,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Intervenor : Mr.M.R.Sreenivasan, Advocate

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

PRAYER :-

For Anticipatory bail in Crime No.24 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is the sole accused in Crime No.24 of 2020, on the file of the respondent police, for the alleged offence under Sections 294(b), 376, 420 and 506(ii) of IPC, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a married lady and having two children. The petitioner said to have a illegal intimacy with the de-facto complainant and taken some photographs along with the de-facto complainant. Now, the petitioner said to have using the photograph and blackmailing the de-facto complainant and demanding Rs.5,00,000/-. Hence, the



3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the investigation is almost completed.

5.On perusal of the records, it is seen that the petitioner said to have illegal intimacy with the de-facto complainant, thereafter, the petitioner taken some photographs and threatening her. Earlier, this Court passed an interim order directing the petitioner to produce his mobile phone before the respondent police on 21.07.2020 and now, the petitioner has also surrendered his mobile phone and investigation is almost completed.

6.Taking note of the facts and circumstances of the case and also considering the fact that the petitioner has surrendered his mobile phone before the respondent police and investigation is almost completed, I am inclined to grant anticipatory bail to the petitioner with 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 four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Eraniel, Kanyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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:

(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 as and when required for interrogation;

(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

<https://hccservices.courts.gov.in/Kse/CaseDetails.aspx?CaseNo=7115&Year=2020> **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;**



(f) if the petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/08/2020

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/ /2020

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

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.I, ERANIEL,
KANYAKUMARI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
COLACHEL, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/s.S.SUGANTH SAM ABRAHAM, Advocate (SR-6149[I] dated 28/08/2020)

ORDER
IN
CRL OP(MD) No.7115 of 2020
Date :27/08/2020

MS/VR/SAR-3/02.09.2020/3P.6C