



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

Date : 24/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8690 of 2020

V.Hastings Vetha Jeen @ Jeen ... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
Vadasery Police Station,
Kanyakumari District.
Crime No.460/2020.

... Respondent/Complainant

For Petitioner : M/s.S.Ramakrishna,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.460/2020 in the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-4 apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 427, 380 and 506(ii) of I.P.C., in Crime No.460 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein purchased a Hitachi Vehicle from the defacto complainant showroom. Subsequently, there was some repair in the vehicle and the petitioner herein asked the defacto complainant to rectify the same, since he failed to do the same, there was a wordy quarrel due to which the petitioner herein along with other accused persons went to the showroom of the defacto complainant attacked him and also stolen some spare parts worth Rs.1,45,000/-. Hence the complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that A-1 to A-3 were enlarged on bail.

5. The learned Government Advocate(Crl.Side) would submit that all the accused persons went to the showroom of the defacto complainant attacked him and also stolen some spare parts worth Rs. 1,45,000/-. He would also submit that A-1 to A-3 were enlarged on bail.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the stolen properties were recovered and A-1 to A-3 were enlarged on bail and also taking into consideration the fact that the occurrence is said to have taken place due to wordy quarrel, this Court is 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 before the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, and on his executing 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 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 Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



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

sd/-
24/08/2020

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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 II,
NAGERCOIL, KANYAKUMARI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
VADASERY POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8690 of 2020
Date : 24/08/2020

KSA
TK/PN/SAR.2/27.08.2020/3P/5C