



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.12581 of 2020

N.Suresh

...Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Pudukadai Police Station,
Pudukadai, Kanyakumari District.
(Cr.No. 462 of 2020)

... Respondent/Complainant

For Petitioner : M/s.M.Saravanakumar,
Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.462 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who arrayed as sole accused apprehending arrest at the hands of the respondent police for the offence punishable under sections 294(b) and 506(i) IPC and Section 4 of Women Harassment Act, in Crime No.462 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.While passing resolution in Panchayat, the dispute arose between the President and the Ward member. The President is the defacto complainant and the case is registered against the Ward Member. The nature of the offences are arisen on account of wordy quarrel and oral threatening.

3.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



4. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Kuzhithurai, 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:

(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 on 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/-
09/11/2020

/ TRUE COPY /

/ /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,
KUZHITHURAI,
KANYAKUMARI DISTRICT.

2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE INSPECTOR OF POLICE,
PUDUKADAI POLICE STATION,
PUDUKADAI,
KANYAKUMARI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to M/s.M.SARAVANA KUMAR, Advocate(SR-7432[I] dated 10/11/2020)

ORDER

IN

CRL OP(MD) No.12581 of 2020

Date :09/11/2020

RMK

SRS/AKM/SAR-II/11.11.2020/3P/6C