



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.12712 of 2020

Vasanth @ Velappan

... Petitioner/Accused No.1

Vs

State rep. by
The Inspector of Police,
Boothapandy Police Station,
Kanniyakumari District.
(Crime No.388 of 2020)

... Respondent/Complainant

For Petitioner : M/s.C.Bharathi

Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.388 of 2020 on the file of the Respondent Police.

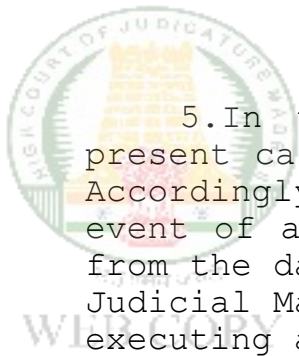
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 341, 294(b) and 506(ii) of I.P.C., in Crime No.388 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that there was a wordy quarrel arose between the petitioner and the de-facto complainant. Hence, the present complaint.

4. The learned Government Advocate(Crl.side) made a submission that the co-accused viz., A2 had already been enlarged on bail.



5. In view of the fact that bail is granted to A2, in the present case, the petitioner is also released on anticipatory bail. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Boothapandy, Kanniyakumari District, and on his executing 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 the 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 petitioner /accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

10/11/2020

/ 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,
BOOTHAPANDY, KANNIYAKUMARI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL

3. THE INSPECTOR OF POLICE,
BOOTHAPANDY POLICE STATION,
KANNIYAKUMARI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.12712 of 2020

Date : 10/11/2020

Ns

AE/JC/SAR-IV (19.11.2020) 3P 5C