



WEB COPY

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

Date : 01/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.13715 of 2020

Madasamy @ Mahesh

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Kottar Police Station,
Nagercoil, Kanyakumari District.
Crime No. 1002 of 2020.

... Respondent/Complainant

For Petitioner : M/s.L.George Paul Anto,
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.1002 of 2020 on the file of
the respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
307,341 and 506(ii) of IPC seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that due to previous enmity
the petitioner herein along with other accused persons said to have
abused the defacto complainant, assaulted him and also threatened
with dire consequences.

4. The learned counsel for the petitioner would submit that the

<https://hcservices.ecourts.gov.in/hcservices/>



petitioner is innocent and a false case has been foisted against him. He would also submit that no one sustained injuries in the said occurrence.

5. The learned Government Advocate(Crl.Side) would submit that no one sustained injuries in the said occurrence.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that no one sustained injuries in the said occurrence, 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 his appearance, within a period of fifteen days 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.10,000/- (Rupees Ten thousand only) with two blood related 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 daily at 10.30 a.m. and 5.30 pm., 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]***; and;

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

sd/-
01/12/2020

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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.

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- TO
- 1.THE JUDICIAL MAGISTRATE NO.II,
NAGERCOIL.
 - 2.DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
 - 3.THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.L.GEORGE PAUL ANTO, Advocate (SR-7808[I] dated 01/12/2020)

ORDER
IN
CRL OP(MD) No.13715 of 2020
Date :01/12/2020

AAV
AE/AKM/SAR-IV (04.12.2020) 3P / 6C