



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

Date : 23/12/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.15829 of 2020

J.Spurgeon Samuel

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Vadaseri Police Station,
Nagercoil, Kanyakumari District.
Crime No.650 of 2020.

... Respondent/Complainant

For Petitioner : Mr.H.Mohammed Imran, Advocate for
M/s.Ajmal Associates, Advocate.

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

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

PRAYER :-

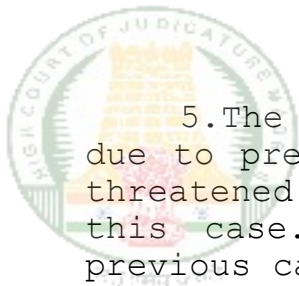
ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(ii) of IPC and Section 4 of Tamil Needy Prohibition of Women Harassment Act seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that one Stella Mary appears to have given a complaint before the Respondent police against the petitioner herein alleging that the petitioner used filthy language and also have criminally intimidated her. Hence, the defacto complainant has given a complaint to the respondent police.

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



5.The learned Government Advocate(Crl.Side) submitted that the due to previous enmity with regard to land dispute, the petitioner threatened the defacto complainant and no one sustained injury in this case. He would also submit that petitioner is having two previous cases.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that no one sustained injury in this case, 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, Nagercoil 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 daily at 10.30 a.m., for period of two weeks and thereafter, 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/12/2020

/ 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.

WEB COPY

TO

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

ORDER
IN
CRL OP(MD) No.15829 of 2020
Date :23/12/2020

AM
TK/SMA/SAR.2/30.12.2020/3P/5C