



WEB COPY

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

Date : 25/01/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1011 of 2021

Sharik Ahamed

... Petitioner/2nd Accused

Vs

The State Rep. by
The Sub-Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
Crime No.1019/2020.

... Respondent/Complainant

For Petitioner : Mr.Shaji Chellan.L,
Advocate.

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

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

PRAYER :-

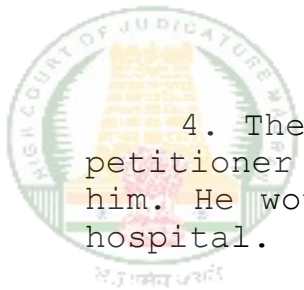
For an Anticipatory Bail in Crime No.1019 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448, 294(b), 323, 427 and 506(i) of IPC, seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that the petitioner herein along with the other accused is said to have trespassed into the house of the defacto complainant and also assaulted the defacto complainant with hands and damaged the Windows of his house and caused injuries.



4. The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against him. He would also submit that the injured was discharged from the hospital.

5. The learned Government Advocate(Crl.Side) would submit that the injured person was also discharged from the hospital.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured was discharged from the hospital, 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.I, Padmanabhapuram, 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 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/-

25/01/2021

/ TRUE COPY /

/ /2021

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

+1 CC to Mr.L.SHAJI CHELLAN, Advocate (SR-481[I] dated 27/01/2021)

ORDER

IN

CRL OP(MD) No.1011 of 2021

Date :25/01/2021

LS

TE/JC/SAR-II : 03/02/2021 : 3P/6C