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

Date : 08/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1743 of 2021

Arul Jackson

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep.by, The Inspector of Police,
Vadasery Police Station,
Kanyakumari District.
Cr.No.3 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Xavier Rajini,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.3 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 436, 506(ii) of IPC and Section 4 of TNPHW Act seeks anticipatory bail.

2. The defacto complainant is the wife of the petitioner. The case of the prosecution is that when the defacto complainant was in the house, the petitioner demanded money from her and when she refused the petitioner assaulted her and also set fire to the house hold articles. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him.

4. The learned Government Advocate(Crl.Side) would submit that the injured got discharged from the hospital.



5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured got discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. 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, 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 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/-
08/02/2021

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/ /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.II, NAGERCOIL,
KANYAKUMARI DISTRICT
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
 - 3.THE INSPECTOR OF POLICE,
VADASERY POLICE STATION, KANYAKUMARI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.XAVIER RAJINI Advocate SR.No.814

ORDER
IN
CRL OP(MD) No.1743 of 2021
Date :08/02/2021

AAV

PK/JC/SAR-III/11.02.2021 : 3P/6C