



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

Date : 26/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3102 of 2021

Stephen Jose ... Petitioner/Sole Accused

Vs

The State rep.by
The Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Crime No.111/2021

... Respondent/Complainant

For Petitioner : Mr.R.Russel Raj,
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.111 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506 (ii) of IPC, in Crime No.111 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to land dispute, the petitioner was said to have abused the defacto complainant by using filthy language and also assaulted him with hands and caused injuries. Hence, the present complaint.

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

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed



any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the injured person has already been discharged from the hospital.

6.Considering the facts and circumstances of the case and also considering the fact that the injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall draw a demand draft in favour of B.G.Arivu Illam, Kotticode, Thuckalay, Kanyakumari for a sum of Rs.10,000/- (Rupees Ten Thousand only) without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance /submission of Demand Draft to B.G.Arivu Illam, Kotticode, Thuckalay, Kanyakumari while executing sureties. On acknowledgment of the same by B.G.Arivu Illam, Kotticode, Thuckalay, Kanyakumari, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Eraniel, 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/-
26/02/2021

WEB COPY

/ 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,
ERANIEL, KANYAKUMARI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANAYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUB INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
B.G.ARIVU ILLAM, KOTTICODE,
THUCKALAY, KANYAKUMARI DISTRICT.

+1 CC to M/s.R.RUSSEL RAJ, Advocate (SR-1560[I] dated 01/03/2021)

ORDER
IN
CRL OP(MD) No.3102 of 2021
Date :26/02/2021

VSG
TK/PN/SAR.4/02.03.2021/3P/7C