



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16126 of 2021

Manibharathi

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari
Kanyakumari District
Cr.No. 447 of 2021.

... Respondent/Complainant

For Petitioner : Mr.N.PRAGALATHAN,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime.No.447 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 399 of IPC in Crime No.447 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 28.09.2021 at about 12.00 noon, on secret information, the respondent Police went to Ashoka Lodge, Kanyakumari. At that time, the petitioner and the other accused were found in preparation of committing theft by using four knives and chili powder and on seeing the respondent Police, they ran away from the place of occurrence. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case.

4. The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the investigation is yet to be completed and the petitioner has no previous case.



5.Considering the nature of allegations levelled against the petitioner and the antecedents of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on 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.1, Nagercoil, Kanniyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with the 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/10/2021

/ 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.1
NAGERCOIL, KANNIYAKUMARI DISTRICT

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



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
KANYAKUMARI POLICE STATION,
KANYAKUMARI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.N.PRAGALATHAN Advocate SR.No.7485

ORDER

IN

CRL OP(MD) No.16126 of 2021
Date :25/10/2021

SA/SKN/SAR.4/29.10.2021/3P/6C