



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/11/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17512 of 2021

Anish Rajan @ Anish

... Petitioner/Accused

Vs

The Stat rep.by
The Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.
Cr.No.208 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.SUBRAMANIAM, Advocate
for M/s.T.A.EBENEZER, Advocate.
For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.208 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 20.09.2021 for the offence punishable under Sections 379 @ 457 and 380 of IPC, in Crime No.208 of 2021, on the file respondent police, seeks bail.

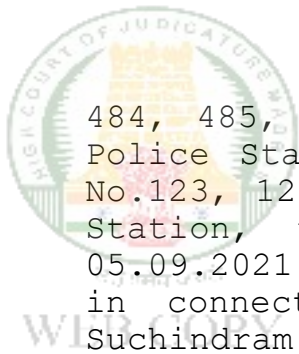
2.The case of the prosecution is that the petitioner is said to have committed theft of articles from the temple. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would further submit that he has already obtained bail in other cases and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent has produced the Status Report of the Inspector of Police, Asaripallam, Kanyakumari District.

5.In the Status Report, it has been stated that the petitioner was arrested on 04.09.2021 in connection with Crime Nos. 482, 483,

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



484, 485, 530 and 532 of 2021 pending on the file of the Eraniel Police Station, Kanyakumari District and in connection with Crime No.123, 124 and 497 of 2021 pending on the file of the same Police Station, the petitioner was shown to have been arrested on 05.09.2021. Subsequently, he was shown to be arrested on 09.09.2021 in connection with Crime No.424 of 2021 on the file of the Suchindram Police Station and thereafter was shown to be arrested on 13.09.2021, in respect of the present case through formal arrest. Though, the Sub Inspector of Police, attached to the Eraniel Police Station, Kanyakumari District, has submitted a report stating that the petitioner is involved 20 cases, he has not furnished any particulars in respect of those cases.

6.Considering the nature of the offence alleged and also considering the fact that petitioner is in judicial custody from 20.09.2021, that he has already obtained bail in other cases and that the properties involved in this case were already recovered, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate No.I, Nagercoil.

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii)the petitioner shall report before the Eraniel Police Station, daily at 10.30 a.m until further orders.

iii)the petitioner shall not tamper with evidence or witness.

iv)the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

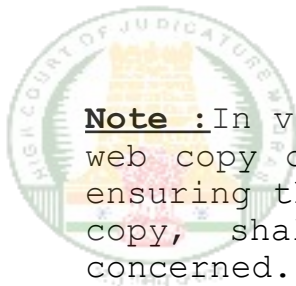
sd/-

25/11/2021

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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 LEARNED JUDICIAL MAGISTRATE NO.I
NAGERCOIL.
- 2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE SUPERINTENDENT,
CENTRAIL JAIL, NAGERCOIL.
- 4 THE INSPECTOR OF POLICE
ASARIPALLAM POLICE STATION,
KANYAKUMARI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.

ORDER

IN

CRL OP(MD) No.17512 of 2021

Date :25/11/2021

SA/VR/SAR.4/25.11.2021/3P/7C