



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/12/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.18630 of 2021

WEB COPY

Jose Bebin

... Petitioner/Accused No.1

Vs

State Rep.by
The Special Sub Inspector Of Police,
Vadassery Police Station,
Kanyakumari District.
(Cr.No.481/2021).

... Respondent/Complainant

For Petitioner : M/s. Krishna Sreethar.M.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.481 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

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

2.The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 332, 353 and 506(ii) IPC, in Crime No.481 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that on 28.08.2021, there was a wordy quarrel between the petitioners and a lodge Manager and the same was questioned by one Rajeshwaran, Special sub Inspector of Police, thereafter, the accused persons have quarrelled with the said SSI also. Hence, the complaint.

4.This petitioner along with other accused moved anticipatory bail earlier, which came to be dismissed by this Court on 28.10.2021 as against his petitioner, on the ground that three previous cases are pending against him.

5.Now, the learned Government Advocate submits that earlier information has been wrongly placed before this Court. Out of three previous cases, one case ended in acquittal and as on date, two



cases are pending as against this petitioner.

6.Considering the submission made by the learned Government Advocate, this Court is inclined to grant anticipatory bail to the petitioner.

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7.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 Judicial Magistrate Court No.II, Nagercoil, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each, with two sureties each for a like sum to the satisfaction of the learned Judge 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/12/2021

/ 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.

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- TO
- 1.The Judicial Magistrate No.II,
Nagercoil.
 - 2.Do Through The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
 - 3.The Special Sub Inspector Of Police,
Vadassery Police Station,
Kanyakumari District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.18630 of 2021
Date :08/12/2021

RS/PN/SAR3(15.12.2021) 3P-5C