



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.3817 of 2023

Spurgeon Samuel

... Petitioner/Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Nesamony Police Station,
Kanyakumari District.
Crime No.19 of 2023.

... Respondent/Complainant

S.Hariharan Sudhan

... Petitioner/Intervener/Defacto Complainant
in CRL MP(MD).3482/2023 IN CRL OP(MD).3817/2023

For Petitioner : M/s M.Ajmal Khan, Senior counsel
for M/s.Ajmal Associates,
for M.U.Mohammed Aslam, Advocate.
For Intervenor : M/s.G.Kannan, Advocate
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

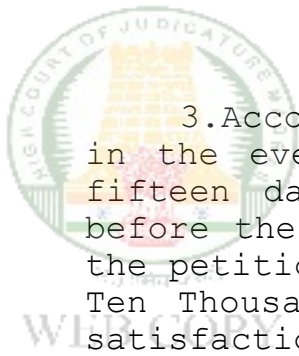
PRAYER :-

For Anticipatory Bail in Crime No.19 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 457 and 380 of IPC in Crime No.19 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.When the matter is taken up for hearing the learned Senior Counsel appearing for the petitioners submitted that it is a landlord tenant dispute and pending anticipatory bail the matter was settled between the parties. In view of the same, this court is inclined to grant anticipatory bail to the petitioner , with certain conditions:



3. Accordingly, the petitioner is ordered to be released in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Nagercoil 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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].

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

sd/-

15/03/2023

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/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1 THE JUDICIAL MAGISTRATE, NAGERCOIL.

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



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

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

+1 CC to M/s.G.KANNAN, Advocate (SR-4371[I] dated 16/03/2023)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-15533[F] dated
16/03/2023)

ORDER

IN

CRL OP(MD) No.3817 of 2023

Date :15/03/2023

RS/CG/SAR-4 (23.03.2023) 3P 7C