



CRL OP(MD)No.7462 of 2024

WEB COPY

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

Date : 24.05.2024

PRESENT

THE HON'BLE MRS JUSTICE S.SRIMATHY

CRL OP(MD)No.7462 of 2024

Edwin Jose

... Petitioner/ Accused 5

Vs

The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime No.38 of 2024)

... Respondent/Complainant

For Petitioner : Mr.V.S.ARIHARASUDHAN, Advocate

For Respondent : Mr.M.SAKTHI KUMAR,
Government Advocate(Crl.side)

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

PRAYER :- For Anticipatory Bail in Crime No.38 of 2024 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 offences punishable under Sections 147, 148, 294(b), 342, 323, 324, 302, 201, 379

<https://www.mhc.tn.gov.in/judis> IPC in Crime No.38 of 2024 on the file of the respondent police, seeks anticipatory



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2.The case of the prosecution is that due to previous vengeance, the petitioner along with other accused has committed murder of the defacto complainant's husband. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that this is second petition for anticipatory bail and earlier petition was dismissed and vehemently opposed to entertain this petition. Accordingly, he would pray to dismiss the present petition.

5.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, 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, 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 learned Magistrate concerned and on further conditions that:



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[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 stay at Coimbatore and report before the Inspector of Police, Singanallur Police Station, Coimbatore 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 is 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/-
24/05/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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GNS

TO

WEB COPY

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

COPY TO:

THE INSPECTOR OF POLICE,
SINGANAILLUR POLICE STATION,
COIMBATORE.

+1 CC to M/s.V.S.ARIHARASUDHAN, Advocate (SR-5766[I] dated 24/05/2024)

ORDER IN

CRL OP(MD) No.7462 of 2024

Date :24/05/2024

SA/GS/SAR. /29.05.2024/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.