



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

Friday, the Twenty Eighth day of May Two Thousand Ten

PRESENT

The Hon`ble Ms.Justice K.B.K.VASUKI

CRL OP(MD) No.6198 of 2010

BALAN

..PETITIONER/PETITIONER/A3

Vs.

STATE REP.BY ITS
THE INSPECTOR OF POLICE
VADASERY POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.225/2010.

..RESPONDENT/RESPONDENT/COMPLAINANT

For Petitioner : M/S. B.SUDHA SATHYANANTH Advocate
For Respondent : MR.P.RAJENDRAN,
Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner is the third accused in Crime No.225 of 2010 registered on the file of the respondent police for the alleged offences punishable under Sections 409 and 420 I.P.C. Apprehending arrest for the above said offences, the petitioner has approached this Court for anticipatory bail under Section 438 of the Code of Criminal Procedure.

2. The learned Government Advocate (Criminal side) would submit that the petitioner has already filed an application for anticipatory bail and this Court also granted anticipatory bail to the petitioner and the petitioner has not complied with the conditional order.

3. The submissions made by Mr.B.Sudha Sathyananth, learned counsel appearing for the petitioner and by Mr.P.Rajendran, learned Government Advocate (Criminal side) representing the respondent police were heard.

4. The petitioner has already approached this Court for similar relief and this Court was also pleased to grant conditional order and as the petitioner was unable to comply with the condition within the time stipulated, he was granted extension of time and even thereafter the petitioner did not comply with the conditional order. But the



petitioner has come forward with this application for anticipatory bail for the second time. Upon considering the submissions made on either side and also the facts and circumstances of the case, this Court deems it fit to exercise the discretion of this Court under Section 438 of the Code of Criminal Procedure and grant the relief of anticipatory bail, of course, subject to certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate No.II, Kanyakumari District at Nagercoil and on executing 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 condition that the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
28/05/2010

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KANYAKUMARI DISTRICT AT NAGERCOIL.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL.

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

4 THE INSPECTOR OF POLICE
VADASERY POLICE STATION, KANYAKUMARI DISTRICT.

akm/02.06.2010 /2p-5c/

ORDER
IN
CRL OP(MD) No.6198 of 2010
Date :28/05/2010