



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

Friday, the Twentieth day of December Two Thousand Thirteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.SATHYANARAYANAN

CRL OP(MD) No.23087 of 2013

1 JAIN
2 BALAN

... PETITIONERS/ACCUSED NOS.1&4

Vs

STATE REP BY
THE INSPECTOR OF POLICE
COLACHEL POLICE STATION,
COLACHEL, KANYAKUMARI DISTRICT,
CRIME NO.538/2013

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.B.CHRISTOPHER Advocate
For Respondent : M/S.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

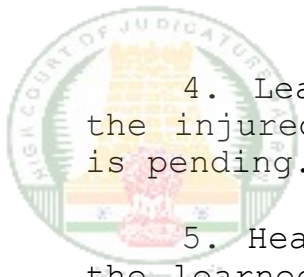
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

There are totally five accused in this case. The petitioners, who are arrayed as A1 and A4 in Crime No.538 of 2013, on the file of the respondent police, apprehending arrest at the hands of the respondent police for the alleged commission of offences punishable under Sections 147, 294(b), 342, 323 and 506(ii) I.P.C., r/w Section 4 of Women Harassment Act, seek anticipatory bail.

2. The case of the prosecution is that on 03.12.2013, at about 08.00 a.m., the petitioners along with others attempted to make a construction in Vaikal Poramboke near the property of the de facto complainant and when the same was objected by the de facto complainant, the accused attacked the de facto complainant with hands.

3. Learned counsel appearing for the petitioner would submit that on account of a civil dispute the present complaint came to be registered and the petitioners are nothing to do with the alleged commission of offence and are falsely implicated in this case. Further, A2 and A3 were arrested and enlarged on bail by the learned Judicial Magistrate, Eraniel, vide order dated 16.12.2013, made in Crl.M.P.No.10281 of 2013.



4. Learned Government Advocate (Crl. Side) would submit that the injured was discharged from the hospital and the investigation is pending.

5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the State and also perused the entire materials available on record.

6. Considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on anticipatory bail. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judicial Magistrate, Eraniel, and on each executing a personal 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 petitioners shall appear before the respondent police daily at 11.00 a.m., for a period of two weeks, thereafter as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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 would stand dismissed.

sd/-
20/12/2013

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

TO

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

+1. CC to M/S.B.CHRISTOPHER Advocate SR.No.64065
RL/6C - 27/12/2013

ORDER
IN
CRL OP(MD) No.23087 of 2013
Date :20/12/2013