



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

Wednesday, the Thirteenth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10540 of 2016

1 T. SUBASH
2 K. SUYAMBULINGOM
3 R. HARISH

... PETITIONERS / ACCUSED NO.2 TO 4

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SOUTH THAMARAikulam POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO. 243 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S T.LAJAPATHI ROY Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

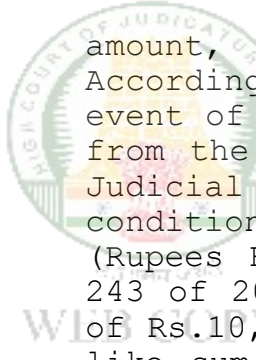
The petitioners, who apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 452,294(b),323,427 and 506(i) of IPC in Crime No.243 of 2016, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners are alleged to have attacked the defacto-complainant and also threatened him with dire consequences. On complaint, a case has been registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further submitted that the petitioners are willing to deposit a sum of Rs.5,000/- and prayed for granting anticipatory bail in favour of the petitioners.

4. The learned Government Advocate (Crl. Side) submitted that the petitioners entered into the house of the defacto complainant and caused damaged to the house hold articles. He further contended that the injured has been discharged from the hospital and the investigation of the case is pending.

<https://hcservices.courts.gov.in/hcservices/>
5. Considering the facts and circumstances of the case and also considering the fact that the injured has already been discharged from the hospital and that the petitioners are willing to deposit the



amount, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District on condition that the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of the above said Crime No. 243 of 2016 and each of 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 and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.00 am until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

sd/-
13/07/2016

/ TRUE COPY /

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

TRP
TO

- 1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL, KANYAKUMARI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE, SOUTH THAMARAIKULAM POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+2. CC to M/S T.LAJAPATHI ROY Advocate SR.NOS.36298,36408

GJM/SKS/RR/SAR-III-18.7.16-2P-7C