



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

Tuesday, the Eighth day of March Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.3729 AND 3517 of 2016

1 J. JOHN SPENCER

2 ASHLY JOHN

... PETITIONERS/ACCUSED Nos. 1 & 2
IN CRL.OP (MD) .No.3729/2016

AYYAPAJOTHI

... PETITIONER/ACCUSED No.3
IN CRL.OP (MD) .No.3517/2016

Vs

STATE REP BY THE INSPECTOR OF POLICE
RAJAKKAMANGALAM POLICE STATION,
KANYAKUMARI DISTRICT,
CR NO.50 OF 2016.

... RESPONDENT/COMPLAINANT IN BOTH OPs

V.ANAND

... INTERVENOR

For Petitioner : M/S T.A.EBENEZER Advocate in both CRL.OPs

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

For Intervenor : MR.R.PONKARTHIKEYAN Advocate

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

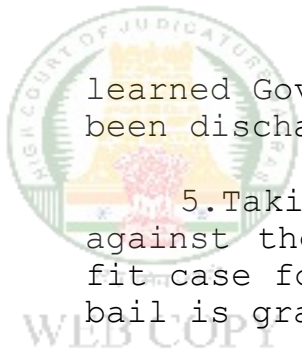
ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.50 of 2016, on the file of the respondent police for offences under Sections 147, 148, 341, 294(b), 323, 307, 379 and 506 (ii) IPC, the petitioners are now before this Court seeking Anticipatory Bail.

2.Heard the learned counsel for the petitioners, learned counsel for the intervenor and the learned Government Advocate (Crl. Side) for the respondent.

3.It is the case of the de-facto complainant that the car of the de-facto complainant hit the car of A1. On account of which, a quarrel ensued. It is represented by the de-facto complainant that the accused came to his house and threatened him and attacked him.

4. The learned counsel for the de-facto complainant strongly objected for grant of anticipatory bail to the petitioners. The



learned Government Advocate (Crl. Side) submits that the injured has been discharged from the hospital.

5. Taking into consideration the nature of the allegation against these petitioners, this Court is of the view that it is a fit case for grant of anticipatory bail. Accordingly, anticipatory bail is granted, but with conditions.

6. It is stated by the learned counsel for the petitioners that since the de-facto complainant is an Advocate, the petitioners find it very difficult to execute sureties to the satisfaction of the learned Judicial Magistrate, No.I, Nagercoil. Accepting the submission of the learned counsel for the petitioners, the petitioners are permitted to furnish sureties to the satisfaction of the learned Judicial Magistrate, Valliyoor. The learned Judicial Magistrate, Valliyoor is directed to accept the sureties and transmit the original papers to the Court of the learned Judicial Magistrate, No.I, Nagercoil, after retaining a photo copy on his file.

7. 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, Valliyoor, on executing a separate 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 as and when required for interrogation.

[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 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]**.

sd/-

08/03/2016

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



TO

- 1 THE JUDICIAL MAGISTRATE, VALLIYOOR
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI
- 3 THE INSPECTOR OF POLICE
RAJAKKAMANGALAM POLICE STATION, KANYAKUMARI DISTRICT
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Copy to:

- 1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL
 - 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL
- +1cc to Mr.T.A.EBENEZER, Advocate Sr.No.13066

ORDER
IN
CRL OP(MD) No.3729 & 3517 of 2016
Date :08/03/2016

AA/NGM-SS/SAR-I/11.03.2016/3P-8C