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

Thursday, the Fourteenth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.12090 of 2017

1 DENNISON
2 JUSTIN ... PETITIONERS / ACCUSED NO. 2 & 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION, KARUNGAL,
KANYAKUMARI DISTRICT.
CRIME NO.150/2017 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.RUSSEL RAJ Advocate

For Respondent : Mr.A.RAMAR,ADDITIONAL PUBLIC PROSECUTOR.

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 the offence punishable under Sections 294(b), 323 and 506(ii) IPC in Crime No.150 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners along with another accused attacked the de facto complainant with hands and abused him in filthy language and also threatened him with dire consequences.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 3 accused and the petitioners are arrayed as A2 & A3. He further submitted that during the occurrence, A2 strangulated the neck of the de facto complainant and A2 & A3 attacked with brick on his chest. He also submitted that injured was discharged from the hospital and investigation is still pending.

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5.Considering the facts and circumstances of the case and also taking note of the fact that injured was discharged from the

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hospital, 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 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Eraniel, Kanyakumari District, on condition that the petitioners 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 10.30 a.m. for a period of 3 weeks and thereafter, as and when required.

[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/-
14/09/2017

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

TO

1 THE JUDICIAL MAGISTRATE,ERANIEL,KANYAKUMARI

2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL

3 THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION, KARUNGAL,
KANYAKUMARI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.12090 of 2017
Date :14/09/2017

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MV:CM-MSA:SAR3:26/09/2017/2P/5C

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