



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

Wednesday, the Twentieth day of September Two Thousand Seventeen

PRESENT

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

CRL OP(MD) No.12220 of 2017

1 S.PREM KUMAR @ RAJAKUMAR
2 KALABAI @ KALARANI

... PETITIONER / ACCUSED NO.1 & 2

Vs

THE STATE OF TAMILNADU REP.BY,
THE INSPECTOR OF POLICE
KOTTICODE POLICE STATION,
KANYAKUMARI DISTRICT,
CR NO. 119/2017.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.C.R.NIRMAL 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 447, 294 (b) and 506(ii) of IPC in Crime No.119 of 2017 on the file of the respondent Police, seek anticipatory bail.

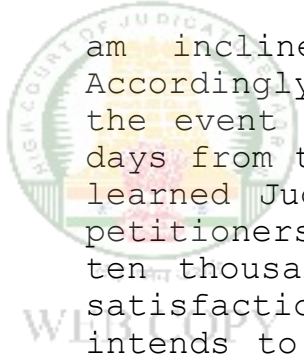
2.The case of the prosecution is that the petitioners are said to have trespassed into the property of the de facto complainant and due to that the petitioners are said to have abused with filthy language about the de facto complainant and made a threat with dire consequences.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that 1st petitioner is the brother of the 2nd petitioner and due to the boundary dispute the de facto complainant foisted the case. He also submitted the petitioners have not committed any offence.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 2 accused in this case, who are petitioners herein and they are arrayed as A1 & A2 respectively. He also submitted that no one sustained injury in this case and the investigation is still pending.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case and also taking note of the fact that no one sustained injury in this case, 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, Padmanabhapuram 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 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 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/-
20/09/2017

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

TO

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

+1. CC to M/S.C.K.M.APPAJI Advocate SR.No.31215

ORDER
IN
CRL OP(MD) No.12220 of 2017
Date :20/09/2017