



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

Monday, the Twentieth day of November Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.15072 of 2017

1 SASI

2 KUMARESAN

... PETITIONERS 1 & 2/

ACCUSED No.1 & 2

Vs

1 THE INSPECTOR OF POLICE

NITHIRA VILAI POLICE STATION,

KANYAKUMARI DISTRICT

CRIME NO. 323/2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.R.SREENIVASAN Advocate

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for offences punishable under Sections 447, 294(b), 324, 506(ii) of IPC in Crime No.323 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are neighbours. The Tamarind Tree belongs to the defacto complainant has been hanging over the roof of the second petitioner's house, hence the defacto complainant made a request to act and remove the over hanging branches. But, the petitioners refused to do the same and assaulted the defacto complainant, due to which, the defacto complainant sustained injuries and was admitted in the hospital. On complaint, a case has been registered against the petitioners before the respondent police.

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.

4. The learned Government Advocate (Crl.side) appearing for the State the injured was discharged from the hospital.



5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), I am inclined to grant anticipatory bail to the petitioners with certain conditions. 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 II, Kuzhithurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the second petitioner shall report before the respondent police, daily at 10.00 a.m., for a period of four weeks, and thereafter, as and when required for interrogation;

(ii) the first petitioner shall report before the respondent police, as and when required for interrogation;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(v) the petitioner shall not abscond either during investigation or trial;

(vi) the petitioner shall not commit any offence while on bail;

(vii) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-
20/11/2017

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE
NITHIRA VILAI POLICE STATION,
KANYAKUMARI DISTRICT

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

+1. CC to M/S.M.R.SREENIVASAN Advocate SR.No.34725

ORDER

IN

CRL OP(MD) No.15072 of 2017

Date :20/11/2017

SMA/CM-VR/SAR-1/24.11.2017:2P/6c