



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

Tuesday, the Nineteenth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.17419 of 2017

1 EDWIN @ EDWIN JABARAJ
2 VIJIL

... PETITIONERS/ ACCUSED NOS.1 AND 2
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.535/2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.B.BRIJESH KISHORE, Advocate
For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners/ Accused Nos.1 & 2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 325, 307, 506(ii) r/w Section 34 of IPC., in Crime No.535 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant filed a petition before the learned Judicial Magistrate No.I, Kuzhithurai in C.M.P.No.7735 of 2017 against the petitioners. After issuance of a direction given by the Lower Court, a case was registered against the petitioners. The allegation of the prosecution case is that on 14.10.2017, when the defacto complainant was on his way for his work, the petitioners waylaid the defacto complainant and attacked him. Thereby, the defacto complainant sustained injuries. Hence, he gave a complaint against the petitioners.

3.The learned counsel for the petitioners would submit that due to previous enmity, the petitioners were falsely implicated in this case by the defacto complainant.

4.The learned Government Advocate (Criminal side) appearing for the state submitted that after filing a petition for anticipatory bail, the second petitioner was arrested. Hence, this anticipatory



bail has become infructuous against the second petitioner. He further submitted that the injured person has been discharged from the hospital.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate, I am inclined to grant anticipatory bail to the first petitioner with certain conditions. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kuzhithurai, on condition that the first petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 petitioner shall report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m., for a period of two weeks;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall make herself available for interrogation including custodial interrogation as and when required by the investigation officer;

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

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

(vi) in respect of second petitioner/A2 alone, this petition is dismissed as infructuous.

sd/-
19/12/2017

/ TRUE COPY /



TO

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

+1. CC to M/S.B.BRIJESH KISHORE Advocate SR.No.36461

ORDER
IN
CRL OP(MD) No.17419 of 2017
Date :19/12/2017

MS/VC/SAR.1/22.12.2017/3P.6C