



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

Friday, the Twelfth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice P.VELMURUGAN

CRL OP (MD) No.5818 of 2017

1 K.MURUGAN
2 M.S.REGILA

... PETITIONERS / ACCUSED NOS.1&2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
PUDUKADAI POLICE STATION,
KANYAKUMARI DIST.
CR.NO.150/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.GANESH PRABHU Advocate

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

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

ORDER : The Court Made the following order :-

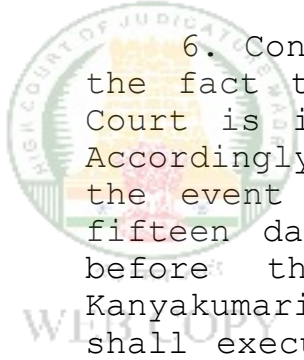
The petitioners/A-1 and A-2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 427, 323 and 506(ii) of I.P.C and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.150 of 2017 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel, the petitioners along with other accused said to have attacked the defacto complainant causing injuries.

3. The learned counsel appearing for the petitioners would submit that this is a case of case and case in counter and the counter case is Crime No.151 of 2017 and in both the cases, the injured was discharged from the hospital.

4. The learned Government Advocate (Crl. Side) admitted that this is a case of case and case in counter and in both the cases, the injured was discharged from the hospital.

5. Heard the rival submissions made on either side and perused the F.I.R and other relevant records.



6. Considering the facts and circumstances and also considering the fact that the injured was discharged from the hospital, this Court is 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, on condition that each of the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 report before the respondent police daily at 10.00 am until further orders.

[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] the petitioners are directed to co-operate with the respondent police for investigation.

[e] 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/-

12/05/2017

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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, KANYAKUMARI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
PUDUKADAI POLICE STATION, KANYAKUMARI DIST.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.GANESH PRABHU Advocate SR.No.22011

ORDER

IN

CRL OP(MD) No.5818 of 2017

Date :12/05/2017