



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1266 of 2018

1 VINS@ MARIA VINS
2 JEBA @ JENITH JEBA
3 KALAIVANNAN
4 KALAIVENTHAN
5 R.RAJESH
6 G.SUBIN GEORGE @ KAVIN GEORGE
7 T.RAHUL
8 R.KUMAR @ RAM KUMAR
9 P.JENISH
10 G.PRABIN GEORGE
11 A.ANISH @ ANISHKUMAR
12 T.PRAKASH @ SIVA PRAKASH
13 T.AJITH @ AJITH KUMAR ... PETITIONERS / ACCUSED

Vs

THE STATE BY
THE INSPECTOR OF POLICE
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT,
IN CR. NO. 14/2018. ... RESPONDENT / COMPLAINANT

For Petitioners : M/S.A.MOHAMED HANEEF Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/A.1 to A.10 and A.12 to A.14, who apprehend the arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 452, 294(b), 323, 427 and 506(i) of IPC., in Crime No.14 of 2018, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 26.12.2017, when the complainant was in his home at Saralvilai, due to some dispute, these petitioners trespassed in to his house and assaulted him. Further, they damaged the property worth about



Rs.60,000/- . When the neighbours of the defacto complainant rushed to the spot, the petitioners made a life threat to them and flew away from the occurrence place. Hence, the case has been registered against the petitioners for the above incident.

WEB COPY 3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and they are no way connected with the alleged occurrence. He further submitted that the petitioners have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent on instructions, would submit that nobody was injured during the time of alleged occurrence. He further submitted that the investigation is still pending.

5. The submissions made by the learned counsel on either side are considered. According to the prosecution, nobody was injured during the time of alleged occurrence. Except Section 506 (i) IPC, all the other petition mentioned offences are bailable in nature. Accordingly, custodial interrogation is not necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain stringent 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, Eraniel on condition that each of the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

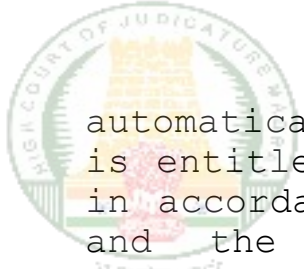
(i) the petitioners shall report before the respondent police daily at 10.00 a.m or a period of three weeks and thereafter as and when required for interrogation;

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

(iii) the petitioners shall not abscond either during investigation or trial;

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

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand



automatically cancelled and 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/-
25/01/2018

/ TRUE COPY /

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

TO

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

+1. CC to M/S.A.MOHAMED HANEEF Advocate SR.No.1401

PJL
GJM/CM/VR/SAR-2-30.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.1266 of 2018
Date :25/01/2018