



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

Thursday, the Twenty Second day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4532 of 2018

1 MICHAEL PREM
2 PANI JAVARIN

... PETITIONER/ACCUSED NO.1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KANYAKUMARI POLICE STATION,
KANYAKUMARI DISTRICT,
CRIME NO.70 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.MARIYAPPAN Advocate

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

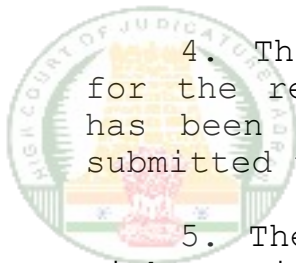
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC., in Crime No.70 of 2018, seek anticipatory bail.

2. The case of the prosecution is that on 11.03.2018, in order to compromise the issue between the defacto complainant and the first petitioner, the defacto complainant and his friend were waiting in one Viji's house. At that time, the petitioners who came there questioned the defacto complainant as to why he brought his friend, due to which, there was a wordy quarrel arose between them. Thereby, the petitioners assaulted the defacto complainant by using knife and caused simple injuries. Hence, the case has been registered against the petitioners for the above said incident.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed 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 the injured has been discharged from the hospital on 15.03.2018. He further submitted that the investigation is still pending.

5. The submissions made by the learned counsels appearing for either side are considered. According to the prosecution, the defacto complainant was discharged from the hospital after completing treatment. Further, except Section 506 (ii) IPC, all the other petition mentioned offences are bailable in nature. Accordingly, custodial interrogation may not be 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 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 No.I, Nagercoil, 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 for 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;

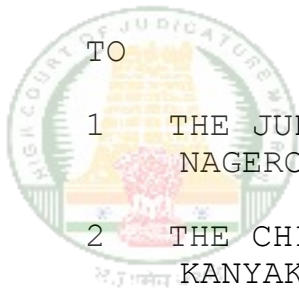
(iii) the petitioners shall not abscond either during investigation or trial;

(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/-
22/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL.

2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
KANYAKUMARI POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.K.MARIYAPPAN Advocate SR.No.4636

PJL

CSL/RR/SAR-I/03.04.2018 : 3P/6C

ORDER

IN

CRL OP(MD) No.4532 of 2018

Date :22/03/2018