



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.457 of 2018

1 SUBASH
2 SURESH BABU
3 SUNIL

... PETITIONERS/ACCUSED
NO.1,2 AND 4

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO. 2/2018

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.S.BALAMURUGAN Advocate

For Respondent : M/S.S.BHARATHI 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 and 4, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 341, 323, 324, 506(ii) of I.P.C., in Crime No.2 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the first petitioner came and picked up a quarrel with the defacto complainant and after that, on 31.12.2017, the defacto complainant was returning home, at that time, the petitioners waylaid him with knife and used filthy language and attacked with wooden leg, thereby, the defacto complainant sustained injuries. On hearing hues and cries of the defacto complainant, neighbors came, the petitioners were fled away from the place of occurrence and the defacto complainant was admitted in the hospital. Hence, the case has been registered as against the petitioner.



3.The learned counsel appearing for the petitioner submitted that there is no occurrence took place as set out in the FIR and the complaint lodged by the defacto complainant has wreck vengeance as against the petitioners. Earlier, a false criminal case was registered in Crime No.144 of 2015 as against these petitioners on the complaint of defacto complainant and the same was already disposed and thereafter, another false complaint was registered against these petitioners in Crime No.354 of 2017. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Further, the petitioner has also lodged a complainant as against the defacto complainant.

4.The learned Government Advocate (Crl.Side) submitted that the injured was discharged from the hospital and investigation is not completed.

5. Considering the submissions made on either side, it disclose that the offences under Sections 294(b), 341, 323, 324, 506(ii) of I.P.C., in Crime No.2 of 2018, has been registered against the petitioners. According to the prosecution, as of now, the defacto complainant sustained injuries and he has been discharged from the hospital. Admittedly, the petitioners are having permanent address in the petition mentioned address. Therefore, question of absconding does not arise. Further, custodial interrogation is not necessary for this type of cases. Therefore, in the reasons stated above, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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, Padmanabhapuram, Kanyakumari District, 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 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
<https://www.caserecordsonline.in> 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 petitioner shall stand automatically cancelled and 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/-
10/01/2018

/ TRUE COPY /

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

TO

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

+1. CC to M/S.S.BALAMURUGAN Advocate SR.No.513

RMI/MSA
GJM/CM/VR/SAR-2-12.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.457 of 2018
Date :10/01/2018