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

Friday, the Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21698 of 2018

1. JUSTIN DAVID
2. JOHN JUSTUS
3. JOHNSON ... PETITIONERS / ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KOTTICODE POLICE STATION,
KANYAKUMARI DISTRICT
CRIME NO.146/2018 ... RESPONDENT

For Petitioner : MR.S.JAYAKUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 294(b), 323, 506(i) of IPC, in Crime No.146 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute the petitioners abused the defacto complainant in filthy language and threatened him with dire consequences

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) would submit that the injured has been treated as out patient.

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5.Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners,

with certain conditions:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.I, Thuckalay, Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only)each with two sureties, each for a like sum to the satisfaction of the said Magistrate concerned and on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, 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].** and

[**f**] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/12/2018

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
   THUCKALAY, KANYAKUMARI DISTRICT

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
   KANYAKUMARI DISTRICT AT NAGERCOIL

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

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

+1. CC to MR.S.JAYAKUMAR Advocate SR.No.230071

ORDER
IN
CRL OP(MD) No.21698 of 2018
Date :07/12/2018

AAV
MK/PN-AC/SAR 1/12.12.2018/3P/6C

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