



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

Tuesday, the Second day of January Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.17977 of 2017

1 RAVI
2 RAJESH

... PETITIONERS/ ACCUSED NOS.1 & 2
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.378 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.M.R.SREENIVASAN Advocate

For Respondent : M/S.K.S.DURAI PANDIAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

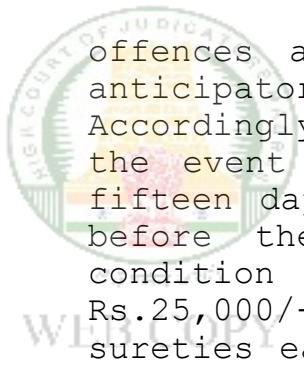
The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324, 323 and 506(i) of IPC, in Crime No.378 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 23.12.2017, the first petitioners along with other accused persons waylaid the defacto complainant and A1 attacked him by using aruval and A2 & A3 attacked him using wooden log and caused injuries. Thereafter, the defacto complainant lodged a complaint before the respondent police. Based on the complaint, case has been registered for the above said offences.

3. The case of the petitioner is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have been falsely implicated in this case and prays for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent on instructions, would submit that part of the investigation is completed, and the properties used at the time of occurrence was also recovered. He further submitted that the investigation is still pending.

5. Considering the factual aspects of the case and the submission made by the learned Additional Public Prosecutor and also considering the fact that except Section 506(i) of IPC, all other



offences are bailable offence, 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 on which the order copy is made ready, before the learned Judicial Magistrate No.II, Kuzhithurai, 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 investigation officer, daily at 10.00 a.m., for a period of three weeks and thereafter as and when required;

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

(iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioners shall not commit any offence while on bail;

(v) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-
02/01/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
NITHIRAVILAI POLICE STATION, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.R.SREENIVASAN Advocate SR.No.22

ORDER IN
CRL OP(MD) No.17977 of 2017
Date : 02/01/2018