



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

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) No.7748 of 2018

1 RAKESH

2 BABU @ DEVADHAS PRABU

... PETITIONERS/ACCUSED Nos.1&2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
BOOTHAPANDI POLICE STATION,
BOOTHAPANDI,
KANYAKUMARI DISTRICT.
CR.NO.133/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.R.NARMATHAN, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

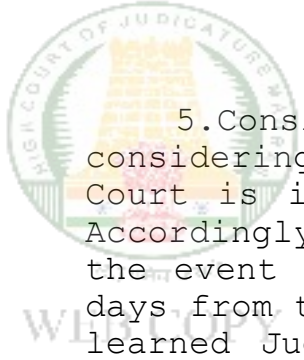
ORDER : The Court Made the following order :-

The petitioners/ A1 and A2, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 342, 323, 324, 506(ii) and 379 IPC, in Crime No.133 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to money dispute, the petitioners and other accused are said to have abused the defacto complainant in filthy language and also attacked him with stones. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Crl. side) appearing for the respondent Police would submit that this is the case and counter case and the investigation is still pending.



5. Considering the facts and circumstances of the case and also considering the fact that this is the case and counter case, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Valliyoor, on condition that the each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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)**.

sd/-

09/05/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, VALLIYOOR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE,
BOOTHAPANDI POLICE STATION, BOOTHAPANDI, 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.8429

ORDER IN

CRL OP(MD) No.7748 of 2018

Date : 09/05/2018