



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

Thursday, the Twenty Second day of November Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20634 of 2018

1 RATHEESH
2 LALITHA

... PETITIONERS / ACCUSED 1 & 2

Vs

STATE REP.BY ITS
THE SUB INSPECTOR OF POLICE,
PUTHUKKADAI POLICE STATION, PUTHUKADAI,
KANYAKUMARI DISTRICT.
(CRIME NO.289/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.N.S.RAMAKRISHNA DASS Advocate

For Respondent : Mr.M.ASOKAN Govt. 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 alleged offences punishable under Sections 294(b), 341, 506(II) IPC read with 4 of TNPHW Act in Crime No.289 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are said to have wrongfully restrained the defacto complainant and her daughter and also threatened her by using filthy language.

3.The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are neighbours and they are not in good terms. Duo to which, a false case has been foisted against them and they have nothing to do with the alleged offence.

4.The learned Government Advocate (Crl.side) would submit that no one injured in this case.

5.Taking into consideration the facts of the case and the submissions by learned counsel on either side and that no one injured in this case, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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.II, Kuzhithurai 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, 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 daily at 10.30 am for a period of two weeks and thereafter, 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]**.

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

sd/-
22/11/2018

/ 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 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
- 3 THE SUB INSPECTOR OF POLICE
PUTHUKKADAI POLICE STATION, PUTHUKADAI, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.S.RAMAKRISHNA DASS Advocate SR.No.21872
PS/VR-MMS/SAR-1/26/11/2018/2P/6C

ORDER
IN
CRL OP (MD) No.20634 of 2018
Date : 22/11/2018