



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.20658 of 2018

1.AJIKUMAR
2.ANIL KUMAR

... PETITIONER

Vs

STATE REPRESENTED BY,
THE SUB INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.225 OF 2018

... RESPONDENT

For Petitioners : Mr.G.V.VAIRAM SANTHOSH Advocate

For Respondent : Mr.M.ASHOKAN, 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), 323, 324 and 506(II) IPC in Crime No.225 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 01.11.2018, fourth death anniversary of the petitioners' father was conducted. The relatives and friends were gathered in the petitioners' house. The defacto complainant, being neighbour had question with regard to the conducting of the anniversary and wordy quarrel arose between the parties. The petitioners herein are said to have threatened the defacto complainant. The first accused is said to have attacked with iron rod and the second accused is said to have attacked with stick.

3.The learned counsel for the petitioners would submit that 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 the injured has been discharged from the hospital. A3 in this case was arrested on 01.11.2018 and released on bail.

5.Taking into consideration the facts of the case and the submissions by learned counsel on either side and that the injured has been discharged from the hospital, 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.I, Kuzhithurai, Kanniyakumari 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 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 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.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>
2.TO THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.



3. THE SUB INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to Mr.G.V.VAIRAM SANTHOSH Advocate SR.No.21897.

ORDER

IN

CRL OP (MD) No.20658 of 2018

Date :22/11/2018

RAM/JC/SAR 4/26.11.2018/3P/6C