



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

Thursday, the Twenty Fourth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1018 of 2019

1 RAJESH
2 VINUSKUMAR
3 SANAL
4 SURESHKUMARI

... PETITIONERS / ACCUSED No. 1 to 3,5

Vs

STATE: SUB - INSPECTOR OF POLICE
PAZHUGAL POLICE STATION,
KANYAKUMARI DISTRICT
(CRIME NO.115/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.KA.RAAMAKRISHINAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
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 147, 148, 341, 294(b), 353, 324, 506(ii) and 307 of IPC in Cr.No.115 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the accused intercepted the defacto complainant, who is the Head Constable, assaulted him with sharp stone on his head and hand and sustained injuries on the left head, face, chest and stomach and threatened him.

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

4. The learned Government Advocate (Crl.side) would submit that the injured has been discharged from the hospital.



5. Taking into consideration the facts of the case and the submissions by learned counsels and that the injured has been discharged from the hospital, this Court 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 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 failed 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/-

24/01/2019

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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,
KUZHITHURAI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

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



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

+1. CC to MR.KA.RAAMAKRISHINAN Advocate SR.No.1342

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ORDER

IN

CRL OP(MD) No.1018 of 2019

Date :24/01/2019

MSI/VR/SAR-I/30.01.2019-3P/6C