



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

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

CRL OP(MD) No.1846 of 2019

1 MARSHEL BERNET  
2 PAUL JOSE  
3 VIJAY

... PETITIONERS / ACCUSED  
1 to 3

Vs

THE STATE OF TAMILNADU REP.BY  
THE INSPECTOR OF POLICE,  
COLACHEL POLICE STATION,  
KANYAKUMARI DISTRICT  
Crime No.18/2019

... RESPONDENT/ COMPLAINANT

For Petitioners : Mr.A.RAJKUMAR SEN 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 apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 447, 294(b), 427 and 506(ii) IPC in Cr.No.18 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the neighbours of the defacto complainant. There was a civil dispute between the parties, the petitioners damaged the compound wall of the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are ready to deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the credit of the Crime number. Accordingly, they pray anticipatory bail.

4.The learned Government Advocate (Crl.side), on instructions, would submit that if the petitioners are ready to deposit



substantial amount, this Court may be considered the petitioners' bail application.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

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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, Eraniel, 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 learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the credit of the Cr.No.18 of 2019. If the defacto complainant succeeds in the civil suit, the Magistrate shall disburse the amount to the defacto complainant;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. , until further orders;

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

(e) 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/02/2019

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TO

1. THE JUDICIAL MAGISTRATE,  
ERANIEL.

2. THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE INSPECTOR OF POLICE,  
COLACHEL POLICE STATION,  
KANYAKUMARI DISTRICT.

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

+1. CC to Mr. A. RAJKUMAR SEN Advocate SR.No.2647

ORDER

IN

CRL OP (MD) No.1846 of 2019

Date : 07/02/2019

TK/PN/SAR-2/12.02.2019/3P/6C