



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

Tuesday, the Twelfth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.2048 and 2053 of 2019

1 RAJESH
2 AJIN
3 RANI
4 RAMAKRISHNAN

... PETITIONERS / ACCUSED 2 TO 5
IN CRL OP(MD).NO.2048 OF 2019

1 RAJESH
2 AJIN
3 RAMAKRISHNAN

... PETITIONERS / ACCUSED 2,3 & 5
IN CRL.OP(MD).NO.2053 OF 2019

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
THUKALAY POLICE STATION,
KANYAKUMARI DISTRICT
(CRIME NO.62/2019)

... RESPONDENT / COMPLAINANT
IN CRL OP(MD).NO.2048 OF 2019

(CRIME NO.70/2019)

... RESPONDENT / COMPLAINANT
IN CRL OP(MD).NO.2053 OF 2019

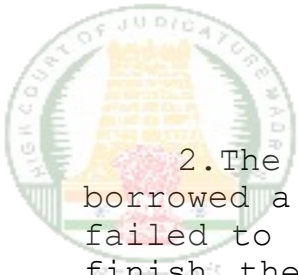
For Petitioners : MR.A.MOHAMED HANEEF Advocate
IN BOTH THE PETITIONS

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

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 offences under Sections 147, 148, 452, 427, 323, 379 (NP), 506(ii) of IPC, in Cr.No.62 of 2019 in Crl.O.P(MD).No.2048 of 2019 and offences under Sections 147, 148, 448, 427, 294(b), 506 (ii) of IPC in Crime No.70 of 2019 in Crl.O.P. (MD).No.2053 of 2019, on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the defacto complainant borrowed a sum of Rs.7 lakhs from A1. Since the defacto complainant failed to repay the amount A1 engaged 6 accused persons in order to finish the life of the defacto complainant. Hence, one case is registered in Crime No.62 of 2019 on 28.01.2019 and another case in Crime No.70 of 2019 on 30.01.2019.

3.The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Except these cases, the petitioners have no previous cases against them. Accordingly, he prayed for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that at the instigation of A1 the petitioners have committed the offences.

5.Considering the facts and circumstances of this case and considering the allegations levelled against the petitioners, the petitioners in both petitions 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, Padmanabapuram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with common 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 learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m. and 5.30 p.m. until further orders;

(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**



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

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sd/-
12/02/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
PADMANABAPURAM
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANIYAKUMARI DISTRICT AT NAGERCOIL
 - 3 THE INSPECTOR OF POLICE
THUKALAY POLICE STATION,
KANYAKUMARI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +2. CC to MR.A.MOHAMED HANEEF Advocate SR.No.2956 & 2957

ORDER
IN
CRL OP (MD) Nos.2048 AND
2053 of 2019
Date :12/02/2019

MSI/VR/SAR-III/15.02.2019-3P/7C