



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

Thursday, the Fourteenth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2325 of 2019

1 A.KARUNAKARAN
2 RAJESH
3 VIKAS
4 AJAN
5 STALIN
6 SRI VENU
7 SABARISH
8 VIJUMON
9 VIJAY

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.18/2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.A.RAJKUMAR SEN, Advocate

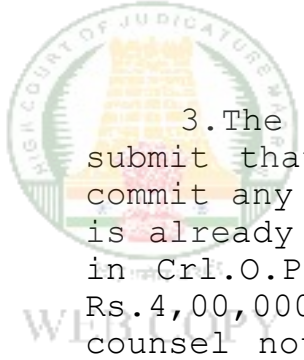
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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 offences under Sections 147, 447, 294(b), 427 and 506(ii) of 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 petitioner is an innocent person and she did not commit any offence as alleged by the prosecution. The 9th petitioner is already enlarged on anticipatory bail by this Court on 07.02.2019 in CrI.O.P.(MD).No.1846 of 2019 on condition to deposit a sum of Rs.4,00,000/- into the crime number. Accordingly, the learned counsel not pressed the petition with regard to 9th petitioner and prayed for anticipatory bail to other petitioners.

4.The learned Government Advocate (CrI.Side) appearing for the State would submit that admittedly, the 9th petitioner was granted anticipatory bail.

5.Taking into consideration the facts and circumstances and since the 9th petitioner was already granted anticipatory bail on deposit of Rs.4,00,000/-, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners 1 to 8 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 petitioner 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 1 to 8 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 1 to 8 shall report before the respondent police daily at 10.30 a.m. until further orders;

(c)the petitioners 1 to 8 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 1 to 8 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 1 to 8 in accordance with law as if the conditions have been imposed and the petitioners 1 to 8 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.

<https://hcservices.ecourts.gov.in/hcservices/>



6.This criminal original petition stands dismissed as withdrawn in respect of 9th petitioner.

sd/-
14/02/2019

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

TO

1. THE JUDICIAL MAGISTRATE, ERANIEL.
 2. DO-THROUGH 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.3076

ORDER
IN
CRL OP(MD) No.2325 of 2019
Date :14/02/2019

MS/VR/SAR-3/19.02.2019/3P.6C