



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

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.343 of 2019

1 J. RANJITH

2 M. LIVINGSTON

... PETITIONERS / ACCUSED No. 1 & 2

Vs

THE STATE, REP. BY
INSPECTOR OF POLICE
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 2 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.K.SANKAR 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 294(b), 324 and 506(i) IPC and Section 4 of TNPHW Act, in Crime No.2 of 2019, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband of the defacto complainant. The defacto complainant is living separately with her minor daughter. While so, on 05.01.2019, the petitioners wanted to see his minor daughter and a quarrel between the parties arose. Consequently, the petitioners attacked the defacto complainant, caused injuries and threatened her. Hence, the complaint.

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.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side).



5. Taking into consideration the facts of the case and the submission made by the learned counsel, 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, Sankarankovil, on condition that each of 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/-

11/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO I
SANKARANKOVIL, TRIUNELVELI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT.



3

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

+1. CC to MR.K.SANKAR Advocate SR.No. 739

WEB COPY

ORDER

IN

CRL OP(MD) No.343 of 2019

Date :11/01/2019

MSI/PN/SAR-II/22.01.2019-3P/6C