



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

Tuesday, the Twelfth day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3765 of 2019

1 VINOTH
2 GOBU @ VIVEK
3 ARUN

... PETITIONERS / ACCUSED NO. 1 TO 3

Vs

THE INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME.NO.48 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.N.PRAGALATHAN Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

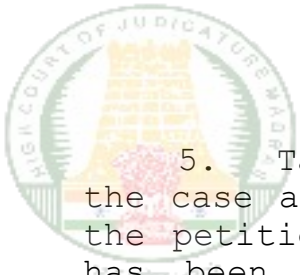
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 427 and 506(ii) of IPC in Crime No. 48 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The defacto complainant is the practicing advocate and both the defacto complainant and the petitioner are friends. The case of the prosecution is that on 03.03.2019 due to wordy quarrel the petitioners abused the defacto complainant, assaulted him and threatened him with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they are innocent and hence he prayed for anticipatory bail.

4. The learned Government Advocate(Crl.Side) appearing for the state would submit that there are eight cases pending against the first petitioner and no cases are pending against other petitioners. he would also submit that injured has been discharged from the hospital.



5. Taking into consideration the fact and circumstances of the case and the fact that the no allegations are levelled against the petitioners 2 and 3 and considering the fact that the injured has been discharged from the hospital, this Court is of the considered view that this is not a fit case to grant anticipatory bail to the first petitioner and **accordingly, this petition is dismissed in respect of the first petitioner.**

6. As regards the petitioners 2 & 3 they are no cases pending against the petitioner, this Court is of the view that, some indulgence can be shown to them and therefore, this Court is inclined to grant anticipatory bail to petitioners 2 & 3.

7. Accordingly, the petitioners 2 & 3 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 Kuzhithurai, Kanyakumari District on condition that the petitioners 2 to 4 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 2 & 3 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners 2 & 3 shall appear before the respondent police as and when required for interrogation.

[c] the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 & 3 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 2 & 3 in accordance with law as if the conditions have been imposed and the petitioners 2 & 3 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/-
12/03/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
KUZHITHURAI, KANYAKUMARI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

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

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

+1. CC to Mr.N.PRAGALATHAN Advocate SR.No.4660

PS/JC/SAR-4/13.03.2019/3P/6C

ORDER

IN

CRL OP(MD) No.3765 of 2019

Date :12/03/2019