



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

Monday, the Eighteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4046 of 2019

1 JOSEPH RAJ
2 GNANA DHAS
3 FRANCESH
4 DHASON
5 ANTO JEGAN @ MICHAEL JENITH
6 PUNITHA
7 PARAN JOTHI
8 VARGEESH

... PETITIONERS / ACCUSED 1 TO 8

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.97 OF 2019.

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.S.MAHALAKSHMI, Advocate

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

For Intervenor : Mr.M.R.SREENIVASAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 341, 147, 148, 294(b), 323, 324 and 506(ii) of IPC, in Cr.No.97 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that due to land dispute between two church the petitioners abused the defacto complainant, attacked him with hand and threatened him with dire consequences.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons.



4. The learned counsel for the intervenor vehemently opposed for grant of anticipatory bail stating that the injured is not yet discharged from the hospital.

5. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that injured has already been discharged from the hospital and that investigation is pending.

6. Considering the facts and circumstances and considering the fact that injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners. 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, Kuzhithurai 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 lime 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 1 to 5, 7 and 8 shall report before the Inspector of Police, Thoothukudi South Police Station daily at 10.30 a.m until further orders and the sixth petitioner 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]**; and;

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

sd/-

18/03/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION.

+1. CC to M/S.S.MAHALAKSHMI, Advocate SR.No.5064
+1CC TO Mr.M.R.SREENIVASAN, Advocate, Sr No.5040

ORDER
IN
CRL OP(MD) No.4046 of 2019
Date :18/03/2019

MS/VR/SAR-4/19.03.2019/3P.8C