



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

Thursday, the Twenty First day of March Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4276 of 2019

1 SAHAYAM
2 KAVIN
3 SIVA

... PETITIONERS / ACCUSED NO. 1 TO 3

Vs

THE STATE OF TAMIL NADU
INSPECTOR OF POLICE,
BOOTHAPANDI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.84 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr. H. VELAVADHAS 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), 323,342,324 and 506(ii) of IPC in Crime No. 84 of 2019 on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners and the defacto complainant assaulted each other, for which case and counter case were registered as against the petitioners as well as the defacto complainant..

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution but however he not pressed the application for A1 and he would also submit that there are no serious allegations with regard to A2 and A3 and hence he prayed for anticipatory bail.

4. The learned Government Advocate(Crl.Side) appearing for the state would submit that five cases are pending against the first petitioner.

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

5. Taking into consideration the fact and circumstances of



the case and the fact learned counsel for the petitioner not pressed the petition in respect of A1 and there are no allegations levelled against the petitioners 2 & 3. Hence **this petition is dismissed in respect of the first petitioner.**

6. As regards the petitioners 2 & 3 they are no specific allegations against them and that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to petitioners 2 to 4.

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 Boothapandi, Kanyakumari District on condition that the petitioners 2 & 3 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.

9. As regards the first petitioner, this petition is dismissed as withdrawn.

sd/-
21/03/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
BOOTHAPANDI KANYAKUMARI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERACOIL.

3 THE STATE OF TAMIL NADU
INSPECTOR OF POLICE,
BOOTHAPANDI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to Mr. H. VELAVADHAS Advocate SR.No.5278

PS/PN/SAR-3/25.03.2019/3P/6C

ORDER

IN

CRL OP (MD) No.4276 of 2019

Date :21/03/2019