



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

Monday, the Fifteenth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5580 of 2019

1 THASAIYAN
2 JEBAKIRUBA

... PETITIONERS / ACCUSED NO.1 & 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.374/2018)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.A.ELIS CHITRA DEVI, 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 294(b), 323, 324, 452 and 506(ii) of IPC in Cr.No.374 of 2018, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that due to pathway dispute between the petitioners and the defacto complainant's family, on 11.12.2018 at about 08.30 p.m., the petitioners trespassed into the house of the defacto complainant and attacked the defacto complainant using filthy language with dire consequences. Hence, this complaint is lodged.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence. Earlier, the learned District and Session Judge, Nagercoil granted anticipatory bail to the petitioners. Thereafter, since the petitioners met with an accident, they did not comply with the conditions. Therefore, the anticipatory bail granted by the learned District and Sessions Judge, Nagercoil was cancelled. Now, the petitioners are ready to comply with the conditions.



4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that in view of the submission made by the learned counsel for the petitioners, this Court may pass appropriate orders.

5.Considering the facts and circumstances of the case and considering the fact that since the petitioners met with an accident, they did not comply with the conditions, 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.II, Padmanabhapuram, Kanyakumari District, 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 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 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 first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks, thereafter, as and when required for interrogation and the second 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/-
15/04/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, PADMANABHAPURAM,
KANYAKUMARI DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

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

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

+1. CC to M/S.A.ELIS CHITRA DEVI Advocate SR.No.6759

ORDER

IN

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Date :15/04/2019

MS/PN/SAR-1/23.04.2019/3P.6C