

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

**CRL OP(MD) No.6935 of 2019**

GENAKSH @ JENEXLIN

... PETITIONER/ACCUSED No.5

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE,  
THUCKALAY POLICE STATION,  
KANYAKUMARI,  
KANYAKUMARI DISTRICT  
(CRIME NO.205/2019)

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.BALAMURUGAN, Advocate

For Respondent : MR.R.ANANDARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.5, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 448, 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002, in Crime No.205 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that on 05.04.2019, at about 11.00 a.m., the accused 1 to 5 are said to have come to the defacto complainant's house, made abuse and attacked them. Thus, on complaint, a case has been registered against the petitioners and others.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the injured was discharged from the hospital and the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, due to some family dispute, the petitioner and other accused assaulted the *defacto* complainant and thereby, the *defacto* complainant has sustained injury. As of now, the person who sustained injury in the alleged occurrence was discharged from the hospital after taking treatment. Hence, custodial interrogation of the petitioner may not be necessary for completing the investigation. So, on considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with some conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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, Padmanabhapuram, Kanyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (I)the petitioner as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.
- (ii)the petitioner shall appear before the respondent Police daily 10.00 a.m., for a period of three weeks and thereafter as and when required for interrogation;
- (iii)the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv)the petitioner shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC;
- (v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 petitioner 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]**.

sd/-  
29/05/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.I  
PADMANABHAPURAM, KAYAKUMARI DISTRICT.
  - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KAYAKUMARI DISTRICT AT NAGERCOIL
  - 3.THE INSPECTOR OF POLICE  
THUCKALAY POLICE STATION, KANYAKUMARI,  
KANYAKUMARI DISTRICT
  - 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.
- +1. CC to M/S.S.BALAMURUGAN, Advocate SR.No.8862

ORDER  
IN  
CRL OP(MD) No.6935 of 2019  
Date :29/05/2019

MR  
PK/PN/SAR-1/03.06.2019 : 3P/6C

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