



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

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.70 of 2019

1 AJITH
2 MAHESH

... PETITIONERS / ACCUSED Nos. 2 &

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
BHOOTHAPANDY POLICE STATION,
KANYAKUMARI DISTRICT.
(IN CR NO. 367 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.KARTHICK SUBRAMANIAN 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 :-

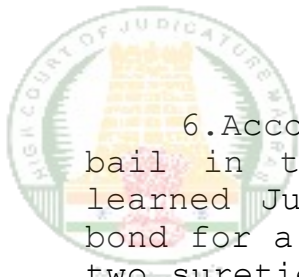
The petitioners/Accused 2 and 3, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 323, 326 & 506(ii) IPC in Crime No.367 of 2018, seek anticipatory bail.

2.The case of the prosecution is that on 26.12.2018, the first accused pull down the defacto complainant and attacked him. The allegation against the petitioners herein is that they caught hold the defacto complainant.

3.The learned counsel for the petitioners submits that the petitioners are innocent and they had nothing with the alleged crime. Hence, anticipatory bail may be granted to them.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that injured has been discharged from the hospital.

5.Considering the fact that injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:-



6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Boothapandy and on their executing 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 learned Magistrate concerned and on further condition that

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police daily twice I.e at 10.30 a.m and 05.00 p.m until further orders.

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
BOOTHAPANDY, KANIYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANIYAKUMARI DISTRICT AT NAGERCOIL

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

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

+1. CC to MR.S.KARTHICK SUBRAMANIAN Advocate SR.No.355

ORDER

IN

CRL OP(MD) No.70 of 2019

Date :04/01/2019