



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

Wednesday, the Twenty Second day of May Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CRL OP (MD) No.7296 of 2019

1.JERIN FELIX
2 JESU ANTHONY

... PETITIONERS / ACCUSED NOS.1 & 2

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
MANDAIKADU POLICE STATION,
KANYAKUMARI DISTRICT.
(IN CRIME NO.23/2016)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.C.SANKAR PRAKASH Advocate

For Respondent : M/S.M.ANANTHA DEVI,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323 and 506(i) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Cr.No.23 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that first petitioner is the son of the second petitioner. The first petitioner, in a drunken mood, attacked the defacto complainant and her husband and also abused them in filthy language. Hence, the complaint.

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

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



5. Considering the facts and circumstances of the case and also 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, Eraniel, 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 petitioners shall report before the respondent police daily at 10.30 a.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]**; and;

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

sd/-
22/05/2019

/ TRUE COPY /

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

TO

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

1. THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.



2.DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

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

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

+1 CC to MR.C.SANKARPRAKASH, Advocate (SR-8699[I] dated
22/05/2019)

ORDER
IN
CRL OP (MD) No.7296 of 2019
Date :22/05/2019

gns/sji
AE/VR/SAR-IV (27.05.2019) 3P 6C