

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.7554 of 2019

1 S.KUMARESAN
2 K.MURUGANANTHAM
3 K.SHENBAGARAJAN

... PETITIONERS / ACCUSED
No.1 to 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
NESAMANI NAGAR POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT
Crime No.73/2019

... RESPONDENT /RESPONDENT/
COMPLAINANT

For Petitioners : Mr.S.PALANI VELAYUTHAM 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 are arrayed as accused nos.1 to 3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 294(b), 323 and 427 of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.73 of 2019, seek anticipatory bail.

2.The case of the prosecution is that the petitioners illegally after entering into the house of the *defacto* complainant, abused the *defacto* complainant and his family members. They attacked the family members of *defacto* complainant and also damaged their property. Hence, a case has been registered against the petitioners.

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. He would further submit that the petitioners are willing to deposit the cost of damaged property.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that the petitioners damaged the property of the *defacto* complainant worth about Rs.35,000/- (Rupees Thirty Five Thousand only). As of now the damaged properties were recovered by the prosecution. In the said circumstances, the custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some conditions.

6.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, Nagercoil, Kanyakumari District on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, 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 conditions that:

(I) Each of the petitioners shall deposit a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of Crime No.73 of 2019 before the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, without prejudice to their defence before the trial Court;

(ii) the petitioners 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;

(iii) the petitioners shall appear before the Royapettah Police Station, Chennai daily 10.00 a.m., for a period of three weeks and thereafter as and when required for interrogation;

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(v) the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(vi) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners 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 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]**.

sd/-
29/05/2019

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

TO

- 1.THE JUDICIAL MAGISTRATE NO II,
NAGERCOIL, KANYAKUMARI DISTRICT.
 - 2.THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 3.THE INSPECTOR OF POLICE,
NESAMANI NAGAR POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
 - 4.THE INSEPCTOR OF POLICE
ROYAPETTAH POLICE STATION, CHENNAI.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.PALANI VELAYUTHAM Advocate SR.No.9006

ORDER
IN

CRL OP(MD) No.7554 of 2019
Date :29/05/2019

TK/JC/SAR-4/04.06.2019/3P/7C

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