

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

Date : 14/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8171 of 2019

1. G.P.I.Merlin Mary
2. S.Michael Franklin

... petitioners/Accused 1 & 6

Vs

State rep.by,
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District
Cr.No.205/2019).

... Respondent/Complainant

For petitioners : M/s.A.John Vincent,
Advocate

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Cr.No.205 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

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

2.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent and due to family dispute, they have been falsely implicated in this case. He further submitted that the injured person sustained only simple injury and he has already been discharged from the hospital on 06.04.2019 and hence, he prayed for grant of anticipatory bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that due to family dispute, the petitioners attacked the defacto complainant and caused simple injuries. Hence, he opposed this petition, as investigation

is pending. However, he fairly conceded that the injured person has already been discharged from the hospital.

5. Taking into consideration of the aforesaid facts and also the fact that the injured person sustained only simple injury and he has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain 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.1, Padmanabhapuram District on condition that the petitioners shall each 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police daily at 10.00 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trail.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trail.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
14/06/2019

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TO

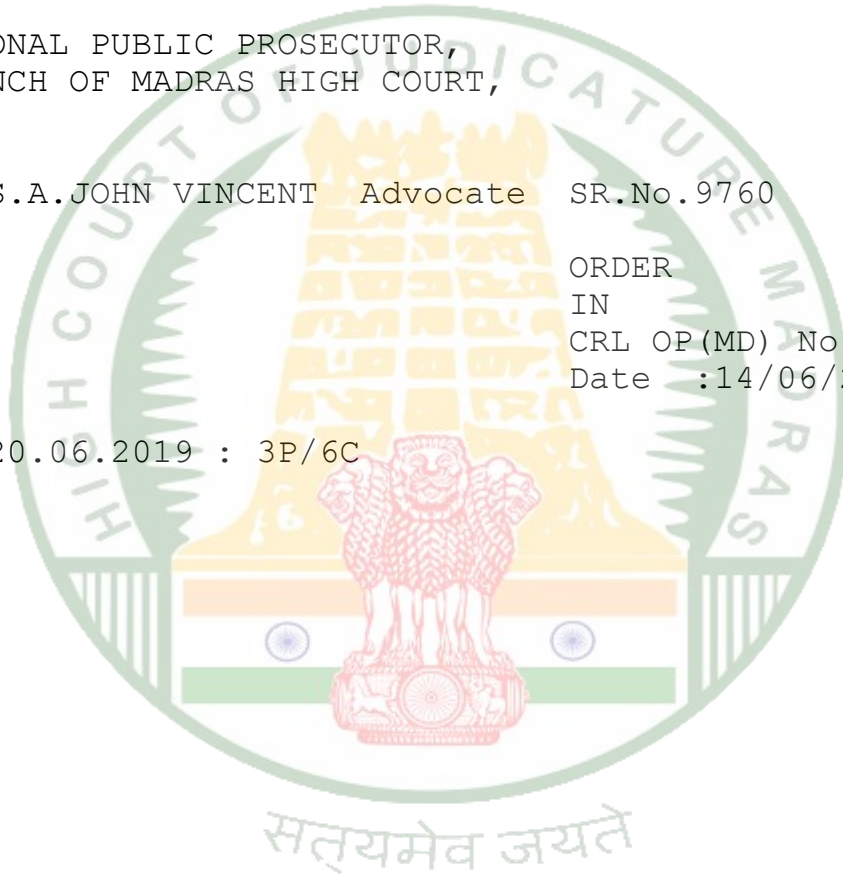
1. THE JUDICIAL MAGISTRATE NO.I,
PADMANABHAPURAM
2. THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL
3. THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.A.JOHN VINCENT Advocate SR.No.9760

ORDER
IN
CRL OP(MD) No.8171 of 2019
Date :14/06/2019

vs

PK/JC/SAR-4/20.06.2019 : 3P/6C



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