



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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.835 of 2019

1.AUTO SHANKAR @ KUMAR
2 PREMA

... PETITIONERS / ACCUSED NOS.1 & 2

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
(IN CRIME NO.32/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.BALAMURUGAN 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 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 341, 294(b), 324, 323 and 506(ii) of IPC, in Cr.No.32 of 2019, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the first petitioner uttered the defacto complainant with filthy language and other accused attacked him with wooden logs and iron rod and caused injuries.

3. The learned counsel for the petitioners would submit that a false case has been foisted against the petitioners and they have nothing to do with the alleged offence.

4. The learned Government Advocate (Crl.side) would submit that the injured has been discharged from the hospital.

5. Taking into consideration the facts of the case and the submissions by learned counsels and that the injured has been discharged from the hospital, this Court inclined to grant



anticipatory bail to the petitioners.

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.I, Padmanabhapuram 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 said Magistrate, on further condition that:

[a] if the petitioners fail 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 at 10.30 am for a period of two weeks and thereafter as and when required for interrogation.

[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/-

22/01/2019

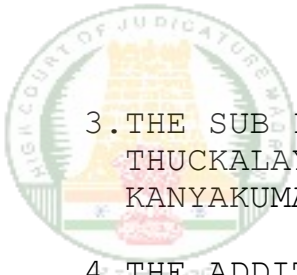
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRAT NO.I,
PADMANABHAPURAM.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE
<https://hcservices.ecourts.gov.in/hcservices/>
KANYAKUMARI DISTRICT AT NAGERCOIL.



3. THE SUB INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to MR.S.BALAMURUGAN Advocate SR.No.1046

ORDER

IN

CRL OP (MD) No.835 of 2019

Date :22/01/2019

AE/JC/SAR2/28.01.2019/3P/6C