

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

Date : 01/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10889 of 2019

1.Kumar
2.Baulmurugan

... Petitioners/Accused No.1 & 2

Vs

State Represented by,
The Inspector of Police,
Anjugramam Police Station,
Anjugramam,
Kanyakumari District
(Crime No.155 of 2019).

... Respondent/Complainant

For Petitioner : M/s.G.Aravinthan,
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 Crime No.155 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 Section 354
I.P.C and Section 4 of T.N.Prohibition of Harassment of Women Act,
2002, in Crime No.155 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has
submitted that the petitioners are innocent and they have been
falsely implicated in this case. He further submitted that due to
boundary dispute, the petitioner/accused attacked the defacto
complainant with hands and hence, he prayed for grant of
anticipatory bail to the petitioners.

3.Per contra, the learned Additional Public Prosecutor
appearing for the respondent has submitted that due to boundary
dispute, the petitioners attacked the defacto complainant with

hands. Hence, he opposed this petition, as investigation is pending. However, he fairly conceded that no one sustained injury in this case.

4. Taking into consideration of the aforesaid facts and also the fact that no one sustained injury in this case, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

5. 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, Additional Mahila Court, Nagercoil, Kanyakumari 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 10.30 a.m for a period of three weeks and thereafter, as and when required for the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

01/08/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
NAGERCOIL, KANYAKUMARI DISTRICT

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

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

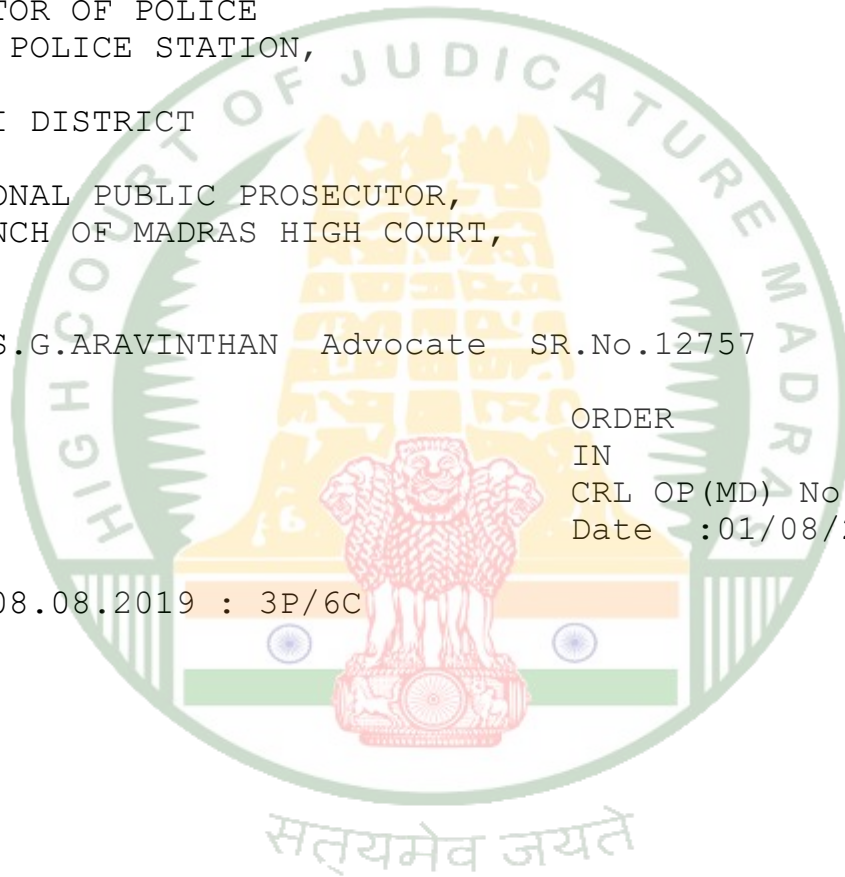
4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.G.ARAVINTHAN Advocate SR.No.12757

ORDER
IN
CRL OP(MD) No.10889 of 2019
Date :01/08/2019

VS

PK/PN/SAR-1/08.08.2019 : 3P/6C



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