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CRL OP(MD) . No.10913 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10913 of 2019

1. Vijayakumar
2. Joshva
3. Gladis

... Petitioners/Accused Nos.1 to 3

Vs

State rep.by
The Inspector of Police,
Kottar Police Station,
Kottar,
Kanyakumari District.
Crime No.273 of 2019.

... Respondent/Complainant

For Petitioners: M/s.S.Palani Velayutham,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For anticipatory bail in cr.no.273 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 294 (b), 447 and 506 (ii) of IPC, in Crime No. 273 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that as per the FIR, the petitioners and the defacto complainant belong to different communities and that the petitioners

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



are residing adjacent to the temple and they conducted prayer in their house by using speaker without getting any permission from the District Administration. Due to which, wordy quarrel arose between the petitioners and the defacto complainant. He further submitted that the petitioners are innocent persons and they have been falsely implicated in the above case, and hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that due to wordy quarrel, the petitioners used the filthy language against the defacto complainant and other two women. Hence, she opposed this petition. However, she fairly conceded that no previous case is pending against the petitioners.

5.As per the FIR, only words have been used and except under Section 506 (ii) IPC, all other offences are bailable.

6.Taking into consideration the aforesaid fact and no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 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:

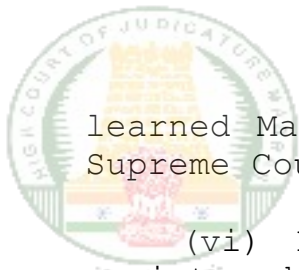
(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) 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 before the respondent police for interrogation.

(ii)the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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]**.

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

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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, KOTTAR POLICE STATION,
KOTTAR, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No.12801

ORDER

IN

CRL OP(MD) No.10913 of 2019

Date :02/08/2019

MS/JC/SAR-1/09.08.2019/3P.6C