



WEB COPY

CRL OP(MD). No.11479 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11479 of 2019

1. Abinеш
2. Prabin
3. Akash
4. Ajay
4. Rejin Raj

... Petitioners/Accused
No.2,3,4,5 & 6

Vs

State Rep.by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime No.377 of 2019)

... Respondent/Complainant

For Petitioners : M/s.C.T.Perumal,
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.377 of 2019 on the file of the Respondent Police.

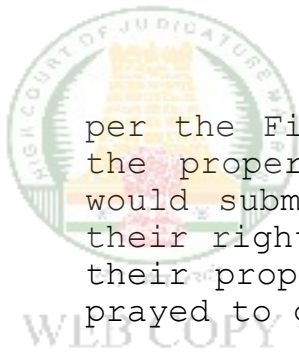
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,447,427,294(b),323,324,307,506(ii) of IPC and Section 4 of TNPHW Act seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocents and they have been falsely implicated in the above case. He further submitted that as

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per the First Information Report, the accused persons have damaged the properties worth about Rs.6000/-. He further on instructions would submit that totally six accused and without prejudice to their rights and contentions the petitioners are willing to deposit their proportionate share to the credit in Crime number. Hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that due to previous enmity the petitioners trespassed into the defacto complainant's house and caused damage to properties worth Rs.6000/-. He further submitted that against A3,4 and 5 one previous case is pending against the petitioner. Hence he opposed to grant anticipatory bail to the petitioners. However he fairly conceded that A1 in this case was arrested and released on bail.

5.Taking into consideration the fact that there is no specific allegation levelled against the petitioners herein and also the fact the petitioners have come forward to deposit their proportionate share of the alleged damage's value to the credit of the crime number before the concerned Magistrate , this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

[6] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate, Eraniel, 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:

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

[b] before executing bail bond each of the petitioners are directed to deposit Rs.1000/-(Rupees one thousand only) to the credit of Crime No. 377 of 2019 before the learned District Munsif Cum Judicial Magistrate, Eraniel, Kanyakumari District

[c] 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.

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



[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
19/08/2019

/ TRUE COPY /

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

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 3. THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION, KANYAKUMARI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.C.T.PERUMAL, Advocate SR.No.13674

ORDER
IN
CRL OP(MD) No.11479 of 2019
Date :19/08/2019

MS/MMS/SAR-3/26.08.2019/3P.6C