



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

Date : 20/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11570 of 2019

1. N. Shahin Nelson
2. C.Babu
3. B.Edwin Raja .. Petitioners/Accused Nos.1 to 3

Vs

The State of Tamil Nadu,
Rep.by the Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.
Crime No.189 of 2019. ... Respondent/Complainant

For Petitioners: M/s. C.K.M. Appaji,
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 Crime No.189 of 2019 on the file of
the respondent.

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 447,
294 (b), 323, 427 and 506 (ii) of IPC in Crime No.189 of 2019, seek
anticipatory bail.

2. Heard both sides.



3.The learned counsel appearing for the petitioners have submitted that as per the FIR, due to previous enmity, the petitioners assaulted the defacto complainant and one other person and criminally intimidated them. The petitioners have caused damaged to the door to the value of Rs.5,000/-. He further submitted that the petitioners are willing to deposit the damage amount to the credit of crime number without prejudice to their defence. He further submitted that the injured person sustained only simple injuries and they were already discharged from the hospital. He further submitted that a counter case also has been registered, and hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that a counter case has been registered against the defacto complainant. She further submitted that the petitioners have assaulted the defacto complainant and one other person and caused damaged to the door to the value of Rs.5,000/-. Hence, she opposed this petition. However, she fairly conceded that the injured persons sustained only simple injuries and they were already discharged from the hospital.

5.Taking into consideration of the fact that a counter case has been registered against the defacto complainant and also the fact that the injured persons sustained only simple injuries and they were already discharged from the hospital and also the fact that the petitioners are willing to deposit the value of the damage said to have been caused (Rs.5,000/-), 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 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, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[i]Before executing the bail bond, the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.189 of 2019 before the learned Judicial Magistrate, Padmanabhapuram, without prejudice to their defence before the trial Court;

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



(iii) 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.

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

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

(vi) 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].

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

sd/-

20/08/2019

/ TRUE COPY /

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

TO

1. The Judicial Magistrate, Padmanabhapuram.
 2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
 3. The Inspector of Police, Kulasekaram Police Station,
Kanyakumari District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S. C.K.M. APPAJI Advocate SR.No.13724.

ORDER

IN

CRL OP(MD) No.11570 of 2019

Date :20/08/2019

AM/PN/SAR-1/27.08.2019/3P-6C