



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

Date : 07/05/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5192 of 2020

1. K.P.Dashilin Jeno,
Wrongly Shown as Akshalin Jeno

2. K.Vasanthakumari

3. K.P.Devaraj

... Petitioners/
Accused No.2 to 4

Vs

The State Represented by
The Inspector of Police,
District Crime Branch Police Station,
Nagercoil,
Kanyakumari District
(Cr No.53/2014)

... Respondent/Complainant

For Petitioners : M/s.N.Dilip Kumar,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

for Anticipatory bail in Crime No.53 of 2014 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 120(b),
420,465,468 and 471 of IPC seek anticipatory bail.



3. Based on the complaint given by one K.Ramakrishnan on 13.08.2014 these petitioners in the year 2015 has approached this Court for anticipatory bail, but the same was dismissed. It appears that nearly after five years the respondent police is approaching the petitioners to co-operate with the investigation by giving their finger print for comparison. Since the allegations against them is that they have forged the documents and grabbed the property of the defacto complainant. At this juncture the petitioners have approached this Court.

4. The learned Additional Public Prosecutor would submit that the petitioner have failed to co-operate with the investigation and for want of finger print for comparison, investigation got delayed.

5. In the above facts and circumstances of the case, this Court is of the view that the petitioners may be granted anticipatory bail on certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest by respondent police on executing a own bond for a sum of Rs.25,000/- and further each of the petitioners shall produce two sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the learned Judicial Magistrate No.I, Nagercoil on or before 05.06.2020 and on further condition that:

(a) the petitioners and sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police and give their finger print for comparison and also co-operate with the respondent police for further 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]***; and;



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

sd/-
07/05/2020

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
NAGERCOIL,
KANYAKUMARI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5192 of 2020
Date :07/05/2020

AAV
SRS/ VR/ SAR-III/ 08.05.2020/ 3P/5C