



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/08/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8567 of 2020

1. Jebin Rose
2. Sisila Rani
3. Selvi

... Petitioners/A1, A2 & A4

Vs

The State Rep. by
The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
(Crime No.334 of 2020).

... Respondent/Complainant

For Petitioners : M/s.N.S.Ramakrishna Dass,
Advocate.

For Respondent : Mr.M.Chandrasekaran
Additional Public Prosecutor

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

PRAYER :-

For an Anticipatory Bail in Crime No. 334 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1,2 and 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 307 and 506(ii) of IPC., seek anticipatory bail.

2. Heard both sides.

3. There are totally four accused in this case. The petitioners herein are arrayed as A1,2 and 4. A1 is the brother-in-law, A2 is wife and A3 is the mother -in-law of the defacto complainant. The case of the prosecution is that there was a family dispute between the parties and the wife of the defacto complainant is living with her parents. On the date of occurrence the defacto complainant went



to the house of petitioners and asked his wife for re-union at that time the petitioners herein along with other accused persons said to have attacked the defacto complainant and caused injuries. Hence the complaint.

4. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would also submit that A4 in this case was granted bail by this Court and the injured was also discharged from the hospital.

5. The learned Additional Public Prosecutor would submit that the petitioners herein along with other accused abused the defacto complainant in filthy language and also assaulted him and caused injuries. He would also submit that the injured was already discharged from the hospital and A4 in this case was granted bail by this Court.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that injured was already discharged from the hospital and A4 in this case was granted bail by this Court, 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 their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2. Kuzhithurai on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (shall furnish common surety in CrI.O.P.No.8547 of 2020 and 8567 of 2020) 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:

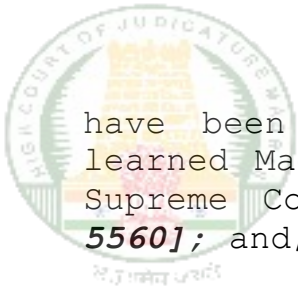
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for 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/-
18/08/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.II,
KUZHITHURAI, KANYAKUMARI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.8567 of 2020
Date :18/08/2020

AAV

TE/AKM/SAR-II : 20/08/2020 : 3P/5C

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