



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

Date : 24/08/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8672 of 2020

1. P.Jebison
2. D.Paulsingh

... Petitioners/Accused No.1&2

Vs

The State rep. by
The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Crime No.282 of 2019).

... Respondent/Complainant

For Petitioner : M/s.F.Deepak,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.282 of 2019 on the file of the respondent police.

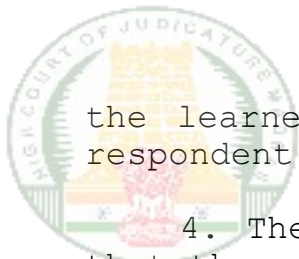
ORDER : The Court made the following order :-

The petitioners who are arrayed as A-1 & A-2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 353 and 506(i) of IPC, in Crime No. 282 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Sub-Inspector of Police. The allegation is that, while the defacto complainant was in highway patrol duty, the petitioners said to have quarreled with the defacto complainant and abused him by using filthy language and also interjected him from doing his public duty. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioners and

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



the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons. He further submitted that the defacto complainant has threatened the petitioners and also assaulted them and the same was questioned by the petitioners this false case has been registered and the petitioners have also preferred a complaint against him before the respondent police and the same was taken in CSR No.584 of 2019, as a counter blast, this false case has been registered. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Criminal Side), on instructions, submitted that this is a case in counter.

6. Considering the fact and circumstances of the case and considering the fact that this is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with stringent 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, Eraniel, Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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) 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 daily at 10.30 a.m., until further orders.

(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



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

sd/-
24/08/2020

WEB COPY

/ 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,
ERANIEL, KANYAKUMARI DISTRICT.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8672 of 2020
Date :24/08/2020

KSA
SRS/ AKM/ SAR-II/ 27.08.2020/ 3P/5C