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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18281 of 2021

1.Vibin Jose @ Vibin
2.Ajith @ Ajith Wilson
3.Jijith @ Jijith Wilson

... Petitioners/Accused
Rank No.1 to 3

Vs

State rep.by
The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
(Crime No.154/2021).

... Respondent/Complainant

For Petitioners: M/s.S.J.Chakkaravarthy, Advocate.

For Respondent : M/s.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.154/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 506(ii) of IPC in Crime No.154 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners had way laid the defacto complainant and attacked him with woollen-log and abused him with filthy language, due to previous enmity. Hence the complaint.



3. The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are friends and due to enmity a false case has been foisted against him.

4. The learned Government Advocate (Crl. Side) would submit that the injured was discharged from the hospital and no previous case has been filed against the petitioners herein.

5. Considering the facts that there existed previous enmity between the parties and also the fact that the injured was already discharged from the hospital and that except the offence under Section 506(ii) of IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No. I, Padmanabhapuram, Kanniyakumari 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 conditions 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 am for a period of one month and thereafter, 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.

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Sd/-
23/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pnn

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.I,
PADMANABHAPURAM,
KANNIYAKUMARI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
KOTTICODE POLICE STATION,
KANNIYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.CHAKKKARAVARTHY S J Advocate SR.No.8488

ORDER
IN
CRL OP(MD) No.18281 of 2021
Date :23/11/2021