



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2022

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PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.5712 of 2022

1. Robinson

2. Shanthi ... Petitioners/Accused Nos.2 & 3

Vs

1. The State Rep.by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
(Crime No.15 of 2022).

2. Jenisha ... Respondents/Complainants

(R2 suo motu impleaded as per order of this Court
dated 29.03.2022 in CrI.O.P(MD) No. 5712 of 2022)

For Petitioners : M/s.Sreenivasan M R,
Advocate.

For R1 : Mrs.M.Aasha,
Government Advocate (CrI.Side)

For R2 : Mr.K.Ragatheesh Kumar

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

PRAYER :-

For Anticipatory Bail in Crime No.15/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.2 and 3, who apprehend arrest at
the hands of the respondent police for the offences punishable under
Sections 498(A), 406, 294(b), 506(i) of IPC and Section 3(1) and 4
of Dory Prohibition Act, in Crime No.15 of 2022, seek anticipatory



2. When the matter is taken up for hearing, the learned counsel on either side would submit that in the mediation process, the matter was compromised between the parties and mediation report was also produced before this Court.

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3. Considering the facts and circumstances of the case and also considering the fact that the matter was compromised between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

4. 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, 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 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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/11/2022

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

cp

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TO

1.The Judicial Magistrate No.I, Padmanabhapuram.

2.-do-Through The Chief Judicial Magistrate,
Kanyakumari at Nagercoil.

3. The Inspector of Police,
All Women Police Station, Marthandam,
Kanyakumari District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.RAGATHEESH KUMAR, Advocate (SR-13155[I] dated
17/11/2022)

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-13208[I] dated
17/11/2022)

ORDER

IN

CRL OP(MD) No.5712 of 2022

Date :15/11/2022

RD/BUC/SAR-III(24/11/2022) 3P 7C