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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16362 of 2022

1. Evein Jeri @ L.M.Even Jerry
2. Christin @ J.M.Christin MC Donald,
3. Merlin @ J.M.Christin Merlinnald
4. Mani
5. Lawrence

... Petitioners/Accused
No.1 to 5

Vs

State rep.by
The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
(Crime No.214 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Kannithevan P, Advocate

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

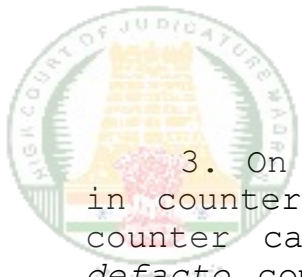
PRAYER :-

For Anticipatory Bail in Crime No.214 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 324, 506(ii) I.P.C, in Crime No.214 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 05.09.2022 at about 03.45PM, the accused persons assaulted the defacto complainant and his brothers with iron rod, knife and threatened them with dire consequences, in which, the defacto complainant and his brothers sustained simple injury. Hence, the complaint.



3. On the side of petitioners, it is stated that it is a case in counter, based upon the complaint given by the petitioners, a counter case was registered in Crime No.213 of 2022 against the defacto complainant party and that injured was discharged from the hospital. Hence, prays to release the petitioners on anticipatory bail.

4. On the side of prosecution, it is stated that based upon the complaint given by the petitioners, case in counter was registered in Cr.No.213 of 2022 against the defacto complainant party and that the the injured was discharged from the hospital. There is no previous cases pending against the petitioners.

5. Considering the property dispute between the parties, that the injured was discharged from the hospital, that the petitioners are not having any previous case at their credit and it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and 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.1, Kuzhithurai, 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

(c) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(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



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

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Sd/-
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/09/2022

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

PNM

TO

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

ORDER
IN
CRL OP (MD) No.16362 of 2022
Date :12/09/2022

SP/SVR/SAR I/19/09/2022/3P/5C