



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2022

PRESENT

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21610 of 2022

1.Robert Wilson
2.Rabi

...Petitioners/Accused 1 & 2

-vs-

State Rep.By
The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(Crime No.324 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the Petitioners on bail in the event of their arrest in connection with Cr.No.324 of 2022 on the file of the Respondent Police.

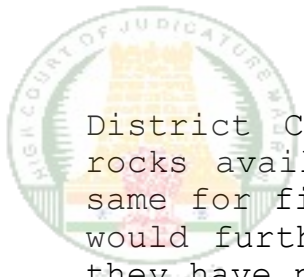
For Petitioners : Mr.S.Sivakumar, Advocate
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 286 and 337 of IPC and Section 9(B)(2) of the Indian Explosives Act, in Crime No.324 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 29.11.2022, while the de-facto complainant was going to his garden, the first petitioner had broken the rocks using drilling machine without any permission with a compressor and a stone fell on him and he and others sustained injury. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocent. He would further submit that the petitioners were doing work after obtaining permission from the



District Collector, Kanyakumari District to remove soil and any rocks available in the first petitioner's property, to convert the same for fishing farm and the incident had happened during such. He would further submit that the petitioners have no previous case and they have not committed any illegality.

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4.The learned Government Advocate would oppose to grant anticipatory bail to the petitioners.

5.Heard the learned counsels. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Kuzhithurai, on condition that the petitioners shall execute 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am 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 SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-

07/12/2022

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/12/2022

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



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

ORDER
IN
CRL OP(MD) No.21610 of 2022
Date :07/12/2022

SP/SSS/SAR III/15/12/2022/3P/5C