



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 10.05.2023  
PRESENT

WEB COPY

**The Hon`ble Mrs.Justice R.KALAIMATHI**

CRL OP(MD) . No.8685 of 2023

1.Vino

2.Kinsly Jose @ Jose

... Petitioners/Accused 1 & 2

**Vs**

The State rep.by  
The Inspector of Police,  
Puthukadai Police Station,  
Kanyakumari District.  
(Crime No.108 of 2023)

... Respondent/Complainant

For Petitioners: Mr.S.Sivakumar  
Advocate.

For Respondent : Mr.P.Kottai Chamy  
Government Advocate (Crl. Side)

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

**PRAYER :-** For Anticipatory Bail in Crime No.108 of 2023 on the file of the Respondent police.

**ORDER :** The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323 and 506(1) IPC and Section 4 of TN Prohibition of Harassment of Women Act, in Crime No.108 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners waylaid the defacto complainant, abused her in filthy language, attacked her and also threatened her with dire consequences. Hence, the complaint.

3. Heard both sides and perused the materials available on record including the First Information Report. It is reported that the first petitioner is having two previous cases, in which, one case was already disposed of.

4. Taking into consideration the facts and circumstances of the case and also the fact that the injured has already been discharged from the hospital and also the fact that the first petitioner is not



having any previous case for serious offence and the petitioner is not having any previous cases, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

5. 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.2, 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 first petitioner shall file an undertaking affidavit that he will not indulge in any such activities and on such filing, the learned Magistrate shall accept the sureties furnished by the petitioner;

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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 are 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;

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

sd/-

10/05/2023

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/05/2023

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



CSM  
TO

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.

+1. CC to M/S. S.SIVAKUMAR Advocate SR.No.7265

**ORDER**

**IN**

CRL OP(MD) No.8685 of 2023  
Date :10/05/2023

SA/VR/SAR.1/17.05.2023/3P/6C