



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.05.2023

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PRESENT

The Hon`ble Mr.Justice **P.VADAMALAI**

CRL OP(MD) . No.9441 of 2023

1.Prince Edwin

2.Vinu

... Petitioners/ Accused Nos.1 & 2

Vs

The State represented by
The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.
(Crime No.89 of 2023)

... Respondent/Complainant

For Petitioners : Mr.F.Deepak, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Cr1. Side).

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

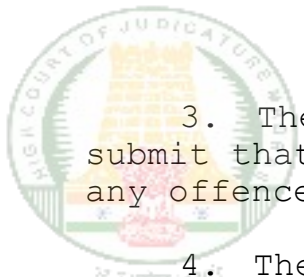
PRAYER :-

For Anticipatory Bail in Crime No.89 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused 1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 447, 341, 323, 427 and 506(2) IPC, in Crime No.89 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 18.05.2023, the petitioners had damaged the defacto complainant's 20 rubber trees and caused damage worth about Rs.75,000/- and thereafter on 19.05.2023, the petitioners had attacked the defacto complainant, abused him in filthy language and also threatened him with dire consequences. Hence, the complaint.



3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the injured has already been discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and also the fact that the injured has already been discharged from the hospital, 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 of receipt of a copy of this order, before the learned Judicial Magistrate Court No.II, Padmanabhapuram, Kanyakumari District, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall deposit a sum of **Rs.37,500/- (Rupees Thirty Seven Thousand and Five Hundred only)** to the credit of Crime No.89 of 2023 within a period of two weeks without prejudice to their rights and contentions before the trial Court. The petitioners shall execute the sureties on showing the receipt of the said amount.

[c]the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 30 days 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]**.



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

sd/-
24/05/2023

/ TRUE COPY /

WEB COPY

/05/2023

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

CSM

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
PADMANABHAPURAM, KANYAKUMARI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL
- 3 THE INSPECTOR OF POLICE
KULASEKARAM POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.DEEPAK.F, Advocate (SR-7810[I] dated 24/05/2023)

ORDER
IN
CRL OP(MD) No.9441 of 2023
Date :24/05/2023

PKP/CG/SAR-1/29.05.2023/ **3P/6C**