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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17853 of 2023

1. Evan Jerry,
2. Email Jeyson @ Emil Jaison,
3. Rebin Raj,

... Petitioners/ Accused No. 1 to 3

Vs

State rep. by
The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
Crime No. 131 of 2023.

... Respondent/ Complainant

For Petitioners : M/s.Balamurugan E,
Advocate.

For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 131 of 2023 on the file of the respondent Police.



ORDER : The Court made the following order :-

The petitioners/ A1 to A3 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,294(b),324, 506(ii) of IPC in Crime No.131 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 along with other accused abused the defacto complainant and others, assaulted and also caused criminal intimidation. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. Therefore, he prayed for anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that A1 is having five previous cases and A3 is having three previous case hence he objected to grant anticipatory bail to the petitioners 1 and 3. However he fairly concedes that no previous case is pending against the second petitioner.

5.Considering the facts and circumstances of the case and also the fact that no



previous case is pending against the second petitioner, this court is inclined to grant anticipatory bail to the second petitioner with certain conditions:

6. Accordingly, the second petitioner is 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.II, Kuzhithurai, Kanyakumari District on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 second petitioner 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 second petitioner shall appear before the trial Court on summons

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.



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[d] the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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.

7. Taking into consideration the bad antecedents the petition stands dismissed as against A1 and A3.

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sd/-
06/10/2023

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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1 The Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District.

2 Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3. The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.

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

+1 CC to M/s.E.BALAMURUGAN, Advocate (SR-14737[I] dated 06/10/2023)

ORDER

IN

CRL OP(MD) No.17853 of 2023

Date :06/10/2023

SSA/VRS/12.10.2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023