



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Nineteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22368 of 2018

1 K. ANTHONY MUTHU
2 A. BRUCE JOSEPH
3 ROBI ROSARIO
4 JEYA SEKAR
5 S.JEYARAJ

... PETITIONERS / ACCUSED
1 to 5

Vs

THE STATE OF TAMIL NADU
THE SUB INSPECTOR OF POLICE
NESAMONY NAGAR POLICE STATION,
KANYAKUMARI DISTRICT.
Crime No.210 of 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.N.DILIP KUMAR Advocate

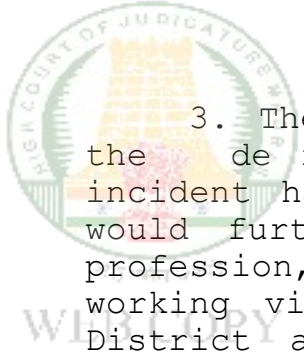
For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are the President, Secretary, Treasurer and two other Members of the Peace Community of the Church, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 324, 506(2) of IPC, seek anticipatory bail.

2.The case of the prosecution is that there arose a dispute between the Member of the Peace Community of the Church, who is the de facto complainant herein and the office bearers of the Holy Family Church. When the de facto complainant along with his wife went to remit the subscription fee and the staff members of the Church office refused to receive the same, which led to the wordy quarrel. During the wordy quarrel, when the de facto complainant intervened, at that time, the petitioners set to have assaulted the de facto complainant. Hence, the case.



3. The learned counsel for the petitioners would submit that the de facto complainant is a Doctor by profession and no such incident has happened as alleged by the de facto complainant. He would further submit that the de facto complainant, using his profession, got himself admitted in the same Hospital, where he is working viz., the Government Hospital, Asaripallam, Kanya Kumari District and that the de facto complainant had given a false complaint against the petitioners. He would also further submit that the petitioners are innocent persons and they have nothing to do with the alleged occurrence.

4. The contention of the de facto complainant is that he is the Convener of the Peace Community of the Church. Further, it is stated that the de facto complainant was inflicted with injuries in his abdomen, using a knife by the petitioners.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submits that there seems to be a rivalry between the staff members of the Church, due to which, the above occurrence had taken place. Further, the Accident Register copy issued by the Chief Medical Officer, Government Medical College-Hospital, Asaripallam, Kanyakumari District was perused, in which, the Doctor had stated about the description of the de facto complainant's injury as, " cut injury on the Left Forearm and cut on the lower abdomen 5'5". The learned Government Advocate (criminal side) would also submit that the de facto complainant was discharged from hospital on 12.12.2018.

6. The learned counsel appearing for the de facto complainant objected the grant of anticipatory bail to the petitioners'.

7. Considering the submissions made by both sides and since counter case has also been initiated at the instance of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

8. 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 No.2, Nagercoil, on condition that each of the petitioners 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 said Magistrate, on further conditions that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation.



[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.

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[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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/12/2018

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO 2, NAGERCOIL.

2.THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3.THE SUB INSPECTOR OF POLICE
NESAMONY NAGAR POLICE STATION,
KANYAKUMARI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.N.DILIP KUMAR Advocate SR.No.23649

ORDER
IN
CRL OP(MD) No.22368 of 2018
Date :19/12/2018

TK/PN.AC/SAR-/21.12.2018/3P/6C