



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/06/2020

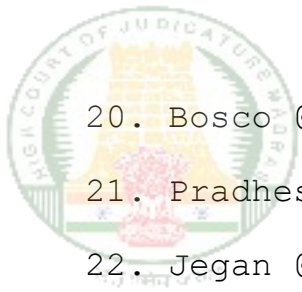
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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5589 of 2020

1. Jerson
2. Rani @ Darvin Rani
3. Rajesh @ Maria Ronald
4. Mowlin @ Bowliyan
5. Babu @ Vinith Babu
6. Vimal Raj
7. Senthil @ Vimalrose
8. Denson
9. Christy
10. Aldon
11. Prabhu @ Saveriar
12. Sahayaraaj
13. Pratin @ Pravin
14. Ajish Anto
15. Ovinraj
16. Muthiayan
17. John Paul
18. Askar
19. Lawrance



20. Bosco @ Maria Sukumaran

21. Pradhesh @ Prathiksan

22. Jegan @ Yesudhas

23. Arokiya Dhas

24. Panipitchai

...Petitioners/AccusedNos.1,2,3,8,
9,10,11,12,13,14,15,16,17,18,
21,22,23,24,25,26,27,28,29,31

Vs

The State Rep. By
Inspector of Police,
Puthukkadai Police Station, Kanyakumari
District. (Crime No. 212 of 2020).

... Respondent/Complainant

For Petitioner : M/s. M.R.Sreenivasan,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 212 of 2020 on the
respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the
learned Government Advocate (Crl. Side) appearing for the
respondent.

2.The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under Sections 143,
147, 148, 341, 353, 294(b), 332, 506(ii), 188, 269 of I.P.C. and
Section 3(1) of Tamil Nadu Public Property Prevention of Damage and
Loss Act, 1992 in Crime No.212 of 2020, on the file of the
respondent police, seek anticipatory bail.

3.The petitioners herein have gathered together and obstructed
the police vehicle during the Corona inspection. The police vehicle
was badly damaged and the police officials have sustained injury in
the stone pelting.

<https://hcservices.court.gov.in/> The learned Government Advocate (Crl. side) appearing for the



State strongly opposed to grant anticipatory bail on the ground that these petitioners have created law and order problem during the Corona lock down and prevented Corona warriors from discharging their duty, besides damaged the public property.

5.The learned counsel appearing for the petitioners states that the petitioners belonged to poor fisherman community. Due to some miscommunication there was unruly incident happened during the distribution of groceries and food item to the poor villagers.

6.Taking note of the rival submissions and the present progress in unlock down, this Court is inclined to grant bail to the petitioners subject to the following conditions:

7.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, Kuzhithurai, Kanyakumari District on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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 said Magistrate, on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b]Each of the petitioners shall deposit a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) in the crime account in Crime No.212 of 2020, before the learned Judicial Magistrate Court No.II, Kuzhithurai, Kanyakumari District, without prejudice to their rights and contentions before the trial Court ;

[c]the petitioners 1, 3 to 24 shall stay at Valliyoor and report before the Valliyoor Police Station daily at 10.30 a.m till 30.06.2020.

[d]the 2nd petitioner shall report before the respondent police daily at 10.30 a.m., till 30.06.2020.

[e]the petitioners shall not abscond either during investigation or trial.

[f]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] 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].

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

sd/-
02/06/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE COURT NO.II,
KUZHITHURAI,
KANYAKUMARI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.
- 3 INSPECTOR OF POLICE PUTHUKKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 INSPECTOR OF POLICE VALLIYOOR POLICE STATION,
TIRUNELVELI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5589 of 2020
Date :02/06/2020

PD/VR/SAR 3/03.06.2020/4P/6C

<https://hcservices.ecourts.gov.in/hcservices/>