



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

Date : 31/07/2020

PRESENT

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The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . Nos.8004 & 8041 of 2020

1. Akash
2. Babu
3. Indra

... Petitioners/Accused No.4,5&6
in Crl.O.P(MD) No.8004 of 2020

1. Manikandaprabhu
2. Baskar
3. Arun
4. Saminathan
5. Devamani

...Petitioners/Accused No.1,2,3,7&8
in Crl.O.P(MD) No.8041 of 2020

Vs

The State rep. by
The Sub Inspector of Police,
Eraniel Police Station,
Kanniyakumari District
(Crime No. 570 of 2020).

... Respondent/Complainant

For Petitioners : M/s.S.Muniyandi, Advocate
(in Crl.O.P.(MD)No.8004 of 2020)

: M/s.J.Jeya Aron Raja, Advocate
(in Crl.O.P.(MD)No.8041 of 2020)

For Respondent : Mr.K. Suyambulinga Bharathi,
(in both petitions) Government Advocate (Crl.Side)

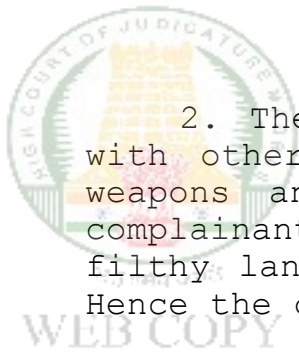
PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No. 570 of 2020 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 447, 294(b), 427 & 506(ii) of I.P.C., in Crime No.570 of 2020 on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that the petitioners along with other accused persons were assembled unlawfully with deadly weapons and tried to damage the compound wall of the defacto complainant and said to have abused the defacto complainant using filthy language and also made life threat with dire consequences. Hence the complaint.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (criminal side).

4. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and due to previous enmity between the parties, the defacto complainant has lodged this false complaint against the petitioners. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, submitted that administration of the temple dispute is pending between the parties.

6. Considering the facts and circumstances of the case and also considering the fact that the administration of temple dispute is pending between the parties, hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Eraniel, Kanniyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with common surety for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

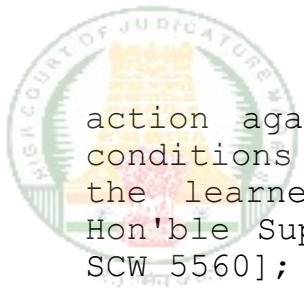
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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;

(e) on breach of any of the aforesaid conditions, the 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]; and

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

sd/-
31/07/2020

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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,
ERANIEL,
KANNIYAKUMARI DISTRICT.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANNAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUB INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANNIYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8004&8041 of 2020
Date :31/07/2020

KSA

<https://hcs.ces.eprints.org/jsp/viewer/04.08.2020/3P/5C>