



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/08/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8254 of 2020

1. Sundar Raj
2. Srijith
3. Surjith @ Sujith
4. Syllis Sankar @ Syllas Raj
5. Kumar @ Krishnakumar ... Petitioners/Accused 1 to 5

Vs

The State Rep. by
The Sub Inspector of Police,
Pudukadai Police Station,
Kanniyakumari District
Cr.No.360 of 2020. ... Respondent/Complainant

For Petitioners : Mr.K.P.Narayanakumar,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.360 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused 1 to 5 apprehending arrest at the hands
of the respondent police for the offences punishable under Sections
147, 341, 294(b), 323, 324 and 506(ii) of I.P.C., in Crime No.360 of
2020, on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that due to civil dispute between the parties, the petitioners are said to have attacked the de-facto complainant with iron rod and aruval and also caused injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners and the de-facto complainant are neighbours. Due to some civil dispute, the de-facto complainant given a false complaint against the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that due to civil dispute between the parties, on the date of occurrence, there was a wordy quarrel arose between them. Due to which, the petitioners are said to have attacked the de-facto complainant with iron rod and aruval and also caused injuries and the injured person was also discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that there was a civil dispute between the parties and the injured was also discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.II, Kulizhithurai, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each 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:

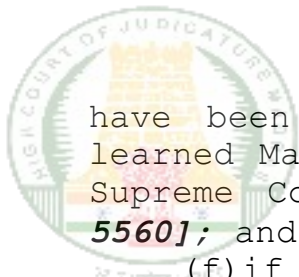
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 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]***; and;

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

sd/-
12/08/2020

/ TRUE COPY /

/ /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 No.II, KUZHITHURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUB INSPECTOR OF POLICE,
PUDUKADAI POLICE STATION,
KANNYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8254 of 2020
Date :12/08/2020

SJI
TE/VR/SAR-II : 14/08/2020 : 3P/5C