



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

Date : 13/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD). No.8297 of 2020

WEB COPY

1. Jerin Jayakumar
2. M.Abish Manikandan

... Petitioners/Accused No. 1 & 2

Vs

The State rep by
The Inspector of Police,
Vadasery Police Station,
Kanyakumari District.
Cr.No. 460 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Ramakrishnan,
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 Cr.No.460 of 2020 on the file of the
respondent police.

ORDER : The Court made the following order :-

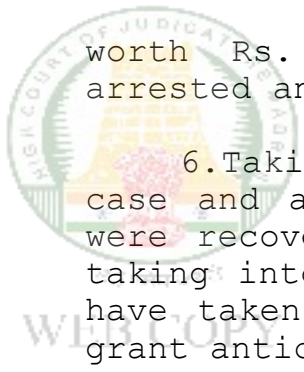
The petitioners/ A1 and A2, who apprehend arrest at the hands
of the respondent police for the offences punishable under Sections
147,294(b),427,380 and 506(ii) of IPC, seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that the petitioners herein
purchased a Hitachi Vehicle from the defacto complainant showroom.
Subsequently there was some repair in the vehicle and the
petitioners herein asked the defacto complainant to rectify the
same, since he failed to do the same, there was a wordy quarrel due
to which all the accused persons went to the showroom of the defacto
complainant attacked him and also stolen some spare parts worth Rs.
1,45,000/-. Hence the complaint.

4. The learned counsel for the petitioners would submit that
the petitioners are innocent and they have been falsely implicated
in this case. He would also submit that A3 in this case was arrested
and released on bail.

5. The learned Government Advocate(Crl.Side) would submit
<https://hcservices.ecourts.gov.in/hcservices/>
that all the accused persons went to the showroom of the
defacto complainant attacked him and also stolen some spare parts



worth Rs. 1,45,000/-. He would also submit that A3 in this case was arrested and released on bail.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the stolen properties were recovered and A3 in this case was released on bail and also taking into consideration the fact that the occurrence is said to have taken place due to wordy quarrel, this Court is inclined to grant anticipatory bail to the petitioners 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 No.II, Nagercoil 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 daily 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;

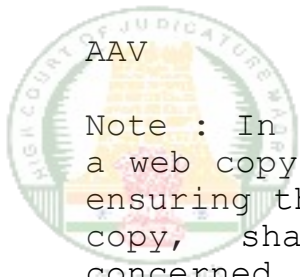
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-
13.08.2020

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



AAV

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.

WEB COPY

TO

1. The Judicial Magistrate No.II, Nagercoil.
2. -Do- Through The Chief Judicial Magistrate,
Kanyakumari at Nagercoil.
3. The Inspector of Police,
Vadasery Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.8297 of 2020
Date : 13/08/2020

VB SKN SAR 3 (17.08.2020) 3P 5C