



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

Date : 19/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8442 of 2020

1.Edwin
2.Ajeesh Kumar @ Ajesh Kumar
3.Ravichandran
4.Anish
5.Subeeesh @ Subish
6.Aju @ Saji Kumar

... Petitioners/Accused
Nos.1 to 6

Vs

The State rep.by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No. 808 of 2020

... Respondent/Complainant

For Petitioners : M/s M.R.Sreenivasan,
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. 808 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,294(b), 323,326 and 506(ii) of IPC, seek anticipatory bail.

2. Heard both sides.

3. The petitioners group supporting one cini actor and the rival groups supporting another cini actor. The case of the prosecution is that on the date of occurrence there was a wordy quarrel between two groups in which the petitioners are said to have attacked the defacto complainant and caused injuries.



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 the injured was already discharged from the hospital.

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5. The learned Government Advocate(Crl.Side) would submit that there was a wordy quarrel between two groups in which the petitioners are said to have attacked the defacto complainant and caused injuries and the injured was also discharged from the hospital. He would also submit that tension is prevailing in that locality.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the occurrence would have taken place in a wordy quarrel and the injured was already discharged from the hospital, 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.I, Kuzhithurai, Kanyakumari District on condition that the petitioners shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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 at 10.30 a.m until further orders.

(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**



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

sd/-
19/08/2020

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/08/2020

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 I,
KUZHITHURAI, KANYAKUMARI DISTRICT.
2. DO THROUGHT THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.R.SRINIVASAN, Advocate (SR-6018[I] dated 20/08/2020)

ORDER
IN
CRL OP(MD) No.8442 of 2020
Date :19/08/2020

AAV
TK/PN/SAR.3/21.08.2020/3P/6C