



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/10/2020

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

CRL OP(MD) . No.11987 of 2020

1. Martin Selvakumar

2. Anil Kumar,

... Petitioners/Accused Nos.1 & 2

Vs

The State Represented by
The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
Crime No. 363 of 2020.

... Respondent/Complainant

For Petitioners : Mr.S.C.Herold Singh,
Advocate.

For Respondent : Mr.K.Karmegam,
Government Advocate (Crl.Side)

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

PRAYER :-

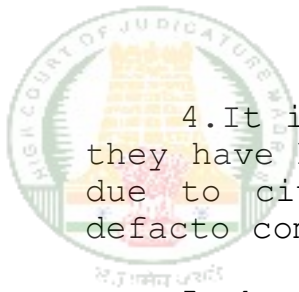
For Anticipatory Bail in Crime No.363 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 294(b),
427 and 506(ii) of I.P.C., in Crime No.363 of 2020 on the file of
the respondent police, seek anticipatory bail.

2. According to the petitioners, the defacto complainant gave a
complaint before the respondent police against the petitioners
alleging that there were civil disputes between the petitioners and
the defacto complainant.

3.It is the case of the defacto complainant that the
petitioners attacked him and threatened him with dire consequences.



4.It is the case of the petitioners that they are innocents and they have been falsely implicated in this case. According to them, due to civil dispute, a false complaint has been lodged by the defacto complainant.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the injured has been discharged and no previous case is pending against the petitioners.

6.After giving due consideration to the aforesaid mentioned factors, 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 fifteen days from the date of receipt of a copy of this order, before the learned the Judicial Magistrate No.I, Kuzhithurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/10/2020

/ 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.

WEB COPY

- TO
- 1.THE JUDICIAL MAGISTRATE NO.1, KUZHITHURAI.
 - 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 3.THE INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11987 of 2020
Date :22/10/2020

IAS
AE/SMA/SAR-II (29.10.2020) 3P 5C