



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

Date : 08/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.14311 of 2020

1. Mathiyas
2. Vargheese
3. Christopher
4. Shaji @ Sanu
5. Selvan

... Petitioners/Accused No.1 to 3, 8 & 9

Vs

State rep.by,
The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District
Crime No.546/2020.

... Respondent/Complainant

For Petitioners : Mr.B.Brijesh Kishore,
Advocate.

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

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

PRAYER :-

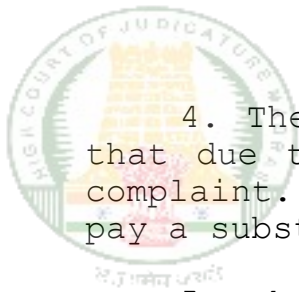
For an Anticipatory Bail in Crime No.546 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl.Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 352, 427, 506(i) and 379(NP) of I.P.C., in Crime No.546 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the petitioners trespassed into the defacto complainant's property and damaged the home and wooden furniture and made life threat. Hence, the complaint.



4. The learned counsel appearing for the petitioners submitted that due to civil dispute, the defacto complainant lodged a false complaint. He further submitted that the petitioners are ready to pay a substantial amount to show their bonafide.

5. The learned Government Advocate (Crl. Side) submitted that the petitioners trespassed into the defacto complainant's property and caused damaged to his house and wooden furnishers to the tune of Rs.1,00,000/-. They also taken jewels and money from the defacto complainant's house.

6. Considering the facts and circumstances of the case and the fact that the petitioners are ready to pay some amount, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners shall jointly pay a sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the defacto complainant directly and on producing of acknowledgement, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Padmanabhapuram, and on their executing 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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/-
08/12/2020

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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 NO.II, PADMANABHAPURAM

2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL

3.THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.B.BRIJESH KISHORE Advocate SR.No.8027

ORDER
IN
CRL OP(MD) No.14311 of 2020
Date :08/12/2020

IAS
PK/SMA/SAR-IV/11.12.2020 : 3P/6C