



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

Date : 05/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1975 of 2021

1. Doni Atlas
2. Sekar @ Rajasekar
3. Jose @ Joseph Antony
4. Jany @ Charles Janny
5. Sujithkumar
6. Rajan @ Rajesh

... Petitioners/Accused No.1 to 6

Vs

State Rep.by
The Inspector of Police,
Asaripallam Police Station,
Asaripalalm,
Kanyakumari District.
Crime No.6/2021.

... Respondent/Complainant

For Petitioners: Mr.N.Pragalathan,
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.6 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused 1 to 6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 448 and 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, seek anticipatory bail.



2.The case of the prosecution is that due to property dispute between the petitioners, on the date of occurrence, the petitioners said to have entered into the de-facto complainant's property and damaged the compound wall and abused the de-facto complainant with filthy language. Hence, the complaint.

3.The learned counsel for the petitioners would submit that it is a counter case and the petitioners are innocent and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that it is a counter case and the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that it is a counter case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6.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 Judicial Magistrate Court No.1, Nagercoil, Kanniyakumari District, 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**



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

sd/-
05/03/2021

WEB COPY

/ TRUE COPY /

/ /2021

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,
NAGERCOIL, KANNIYAKUMARI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ASARIPALLAM POLICE STATION,
ASARIPALALM, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-1890[I] dated 08/03/2021)

ORDER
IN
CRL OP(MD) No.1975 of 2021
Date :05/03/2021

SJI
MS/PN/SAR-4/10.03.2021/3P.6C