



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

Date : 16/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2313 of 2021

WEB COPY

1. Rengasamy
2. Bibin Renjith
3. Venu
4. Sunilkandan
5. Vijin
6. Anbazhagan
7. Daniel
8. Bensingh
9. Charlas
10. Aginas

... Petitioners/Accused 1 to 10

Vs

The State rep by  
Inspector of Police,  
Thiruvattar Police Station,  
Kanyakumari District  
Cr No.47/2021.

... Respondent/Complainant

For Petitioner : M/s.Herold Singh.S.C.,  
Advocate.

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

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

PRAYER :-

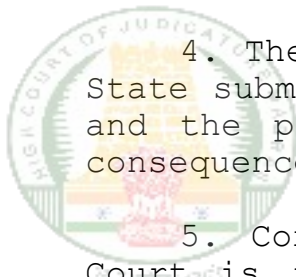
For Anticipatory Bail in Crime no.47 of 2021 on the file of the respondent Police.

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, 341, 294(b), 352 and 506(i) of IPC., in Crime No.47 of 2021, on the file of the respondent police, seek anticipatory bail.

3. The learned counsel for the petitioners submitted that the dispute is between the Church members and the petitioners have been falsely implicated in this case and they are nothing to do with the alleged offence.



4. The learned Government Advocate (crl.side) appearing for the State submitted that there was a dispute between the Church members and the petitioners threatened the defacto complainant with dire consequences. The investigation is under progress.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 No.II, Padmanabhapuram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) 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;

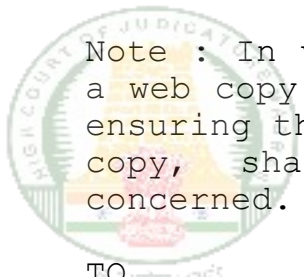
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
16.02.2021

/ 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

WEB COPY

1. The Judicial Magistrate No.II, Padmanabhapuram.

2. -Do- Thro The Chief Judicial Magistrate,  
Kanyakumari District.

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 Mr.S.C.HEROLD SINGH, Advocate ( SR-1079[I]dated  
17/02/2021 )

ORDER

IN

CRL OP(MD) No.2313 of 2021

Date : 16/02/2021

VB JC SAR 1(19.02.2021) 3P 6C