



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3100 of 2021

1. Anbu @ Anbazhagan
2. Vijayan

... Petitioners/Accused No.1 & 3

Vs

The Inspector of Police,
Aralvaimozhi Police Station,
Kanyakumari District.
(Crime No.643/2021).

... Respondent/Complainant

For Petitioner : Mr.Sankar.M.,
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.643 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 448, 323, 307 and 506(ii) of IPC, in Crime No.643 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused were said to have consumed alcohol in front of the defacto complainant's house. When the same was questioned by the defacto complainant, the petitioners and other accused were said to have trespassed into the defacto complainant's house and abused the defacto complainant by using filthy language and also assaulted him with deadly weapon. Hence, the present complaint.



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

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that A2 and A4 have already been arrested and released on bail by the lower Court. He further submitted that the petitioners have filed an undertaking affidavit stating that they will not indulge in any violence activities against the defacto complainant and they will not disturb the defacto complainant in any manner and hence, he seeks anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the injured person has already been discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that the injured person has already been discharged from the hospital and the petitioners have also filed an undertaking affidavit stating that they will not indulge in any violence activities against the defacto complainant and they will not disturb the defacto complainant in any manner and the undertaking affidavit filed by the petitioner is placed on record, considering the above circumstances, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Boothapandy, Kanyakumari 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:

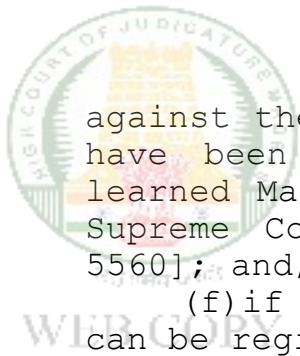
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required.

(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 or the District 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/-
10/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

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,
BOOTHAPANDY,
KANYAKUMARI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ARALVAIMOZHI POLICE STAION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3100 of 2021
Date :10/03/2021

NR/VR/SAR-III(18.03.2021) 3P:5C