



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

Date : 10/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3260 of 2021

1. Francis
2. R.Wilson
3. J.John Dhinesh
4. W.Naveen
5. W.Pravin
6. F.Febin
7. F.Subin
8. Nivin Renjith

... Petitioners/Accused No.1 to 8

-Vs-

State Rep.by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No.44 of 2021.

... Respondent/Complainant

Karnan

... Petitioner/ Intervener
IN CRL MP(MD).No.1937 of 2021
IN CRL OP(MD).No.3260 of 2021

For Petitioners : Mr.Niranjana.S.Kumar, Advocate.
For Intervenor : Mr.Muthusaravanan,Advocae
For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

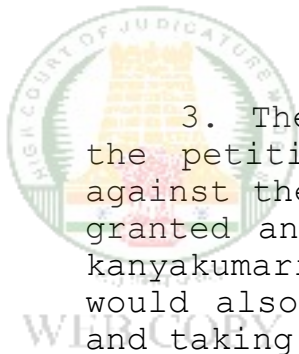
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime no. 44 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A8, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,294(b),323, 324,506(ii) of IPC and Section 4 of TNPHW Act seek anticipatory bail.

2. The case of the prosecution is that due to some dispute regarding pathway the petitioners herein along with other accused abused the defacto complainant, assaulted and also threatened with



3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that earlier the petitioners were granted anticipatory bail by the learned Principal Sessions Judge, Kanyakumari District on 10.02.2021 in Cr.M.P.No. 704 of 2021. He would also submit that since the first petitioner was hospitalized and taking treatment they were unable to comply with the conditions hence he has filed the present petition.

4. The learned counsel for the intervenor/defacto complainant would submit that the dispute is prevailing for several years and both the parties have decided to settle the issue and terms and conditions were reduced in writing by the respondent wantonly violating the conditions and when the villagers questioned the same, they were being assaulted, hence he opposed to grant anticipatory bail to the petitioners.

5. The learned Government Advocate(Crl.Side) would submit that it is a case in counter and the injured got discharged from the hospital and earlier the petitioners were granted anticipatory bail by the learned Principal Sessions Judge, Kanyakumari District on 10.02.2021 in Cr.M.P.No. 704 of 2021.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that it is a case in counter and the injured got discharged from the hospital, 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 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 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.

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

+1 CC to M/s.NIRANJAN S.KUAMR, Advocate (SR-2065[I] dated 12/03/2021)

ORDER IN
CRL OP(MD) No.3260 of 2021
Date :10/03/2021

AAV
MS/VR/SAR-4/15.03.2021/3P.6C