



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4691 of 2021

1. Ramesh
2. Vino
3. Ajith
4. Kumaradhas

... Petitioners/Accused Nos.1 to 3 & 5

Vs

The State of Tamil Nadu
Rep.by its The Inspector of Police,
Thukkalay Police Station,
Kanyakumari District.
Crime No. 159 of 2021. ... Respondent/Complainant

For Petitioners : Mr.H.Velavadhas,
Advocate.

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

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

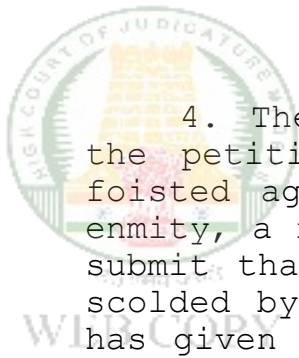
PRAYER :- For Anticipatory Bail in Crime No.159 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 294(b) and 506(ii) I.P.C., seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that the petitioners were threatened the defacto complainant and also using filthy language against the candidate of the Padmanabhapuram Assembly. Hence the complaint.



4. The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted against them. He would also submit that due to political enmity, a false case has been foisted against them. He would further submit that it is a case in counter, earlier the petitioners were scolded by the defacto complainant and hence, the first petitioner has given a complaint against the defacto complainant and the same was registered in Crime No.160 of 2021. As a counter blast, the present complaint has been filed. Hence, he seeks anticipatory bail.

5. The learned Government Advocate(Crl.Side) would submit that the petitioners and the defacto complainant are rival political party and it is a case in counter.

6.It is seen that due to political enmity, the occurrence said to have taken place and it is a case in counter. The petitioners and the defacto complainant are rival political parties.

7.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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, Padmanabhapuram, 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:

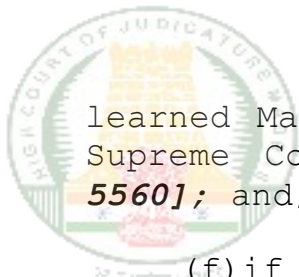
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police 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



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/-
26/03/2021

/ 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,
PADMANABHAPURAM, KANYAKUMARI DISTRICT.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL
- 3.THE INSPECTOR OF POLICE,
THUKKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.H.VELAVADHAS, Advocate (SR-2629[I] dated 29/03/2021)

ORDER
IN
CRL OP(MD) No.4691 of 2021
Date :26/03/2021

Ls
AE/SMA/ (31/03/2021) 3P / 6C