



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

Date : 09/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.5168 of 2021

1 SILVAR STAR
2 KAMALESH
3 LAW RANCE
4 KUTWIN
5 KATWIN
6 SUBIN
7 SEBIN
8 LITWIN
9 ALDO REEMAN
10 DHINESH
11 JULIYAS
12 SHERAN
13 SAHAYAM
14 GEORGE, S/O.JERMANCE
15 ANTONY JEBASTHIYAN
16 ALBIN
17 ARUL
18 DIJITH
19 BESLIN
20 STALIN
21 JEGAN
22 CHANDRAN
23 SHAJI
24 PRABHU
25 GEORGE, S/O.RAIMAND
26 GOLD
27 RIKASH
28 JIYO
29 HERBERT
30 PRAWIN
31 JOSEPH
32 RAYAPPAN
33 SHEK

... PETITIONERS / ACCUSED
NOS.1 TO 33

Vs

State Rep.by
THE INSPECTOR OF POLICE
KANYAKUMARI POLICE STATION,
KANYAKUMARI DISTRICT.
CR.NO.133 OF 2021.

... RESPONDENT / COMPLAINANT



For Petitioner : M/S.DEEPAK. F

Advocate

For Respondent : M/S.M.GANESAN,

Government Advocate (Crl. Side)

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

WEB COPY

PRAYER :-

For Anticipatory Bail in Crime No.133 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 147, 148, 294 (b), 323, 324 and 506 (ii) of IPC in Crime No.133 of 2021 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side).

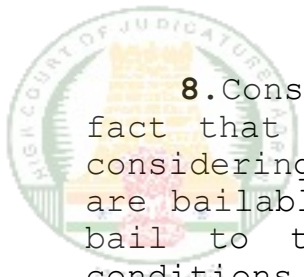
3.It is seen from the submissions made that on 30.03.2021, at about 11.00 a.m., Mr.Thalavai Sundaram came to the petitioners' village, the defacto complainant went to see Thalavai Sundaram. At that time, the petitioners and others abused and attacked the defacto complainant and others stating that why they are working against them in the election. As a result of which, the defacto complainant and others suffered injuries.

4.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that there was a dispute between the two groups of Chinnamuttam Paries Priest Election and out of previous enmity, the petitioners attacked the defacto complainant and others and that the injured have been discharged from the hospital.

6.The learned counsel for the petitioner would submit that petitioner No.18 is a juvenile and therefore, the learned counsel for the petitioner seeks permission of this Court not press this petition against the petitioner No.18. He would further submit that the petitioners No.6,7,8,9 and 12 are the students and therefore, the conditions may be relaxed for those petitioners alone.

<https://hcservices.ecourts.gov.in/hcservices/>
7.Recording the submission of the learned counsel for the petitioners, this petition is dismissed as not pressed against the petitioner No.18 alone.



8. Considering the facts and circumstances of the case and the fact that the injured have been discharged from the hospital and considering the fact that except 506 (ii) of IPC, all other offences are bailable offences, this Court is inclined to grant anticipatory bail to the petitioners, except petitioner No.18 with certain conditions.

WEB COPY

9. Accordingly, the petitioners, except petitioner No.18 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 No.I, Nagercoil, and on their executing 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 learned Magistrate concerned and on further conditions that,

(a) the petitioners except petitioner No.18 shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

(b) the petitioners, except petitioners No.6,7,8,9,18 and 12 shall report before the respondent police daily at 10.30a.m., until further orders;

(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, except petitioners No.6,7,8,9, and 12 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, except petitioner No.6,7,8,9, and 12 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

09/04/2021

/ 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
NAGERCOIL

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL

3 THE INSPECTOR OF POLICE
KANYAKUMARI POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.DEEPAK F Advocate SR.No.3030

ORDER

IN

CRL OP (MD) No.5168 of 2021

Date :09/04/2021

SMA/PN/SAR-1/20.04.2021 : 4P/6C