



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5570 of 2021

1. Ganesan
2. Justin @ Justin Raj
3. Ramesh
4. Justin @ Justus Daniel
5. Rajan
6. Stephen
7. Thankamani
8. Reegan
9. Suresh @ Suresh Babu ... Petitioners/Accused Nos.1 to 9

Vs

State Rep. by
The Sub Inspector of Police,
Petchiparai Police Station,
Kanyakumari District.
(Crime No.13/2021).

... Respondent/Complainant

For Petitioners: Mr.Balakrishnan.A.,
Advocate.

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

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

PRAYER :- Anticipatory Bail in Crime No.13 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 9, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 324 and 506(ii) of IPC, in Crime No.13 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to dispute with regard to buying fish, there was a wordy quarrel arose between the petitioners and the defacto complainant, in which, the petitioners

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etc., subsequently, at about 04.00 p.m nearby Petchiparai Junction, the petitioners said to have assembled together and assaulted the defacto complainant and caused injuries. Hence, the present complaint.

3.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 a case in counter has been registered in Crime No.12 of 2021 for the offence under Sections 147, 148, 294(b), 324 and 506 (ii) of IPC, against the defacto complainant. As a counter blast, the petitioners have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the injured has been discharged from the hospital and that there is no previous case pending against the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and the fact that the injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate II, Padmanabhapuram, within a period of fifteen days from the date of receipt of a copy of this order, 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 said Magistrate 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 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]**.



[f] If the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/04/2021

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

ORDER
IN
CRL OP(MD) No.5570 of 2021
Date :21/04/2021

VSG
JM/VR/SAR IV/04.05.2021/3P/5C