



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

Date : 21/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5680 of 2021

1. V.Govinth
2. V.Ananth
3. V.Krishnakumar
4. Joseph Mohanraj

... Petitioners No.3 & 4/Accused
Nos Not Known

Vs

The State Rep. By
The Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.
(Crime No. 56 of 2021)

... Respondent/Complainant

For Petitioners: Mr.Gowrishankar.R,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.56 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448, 294(b), 427, 323, 324, 506(ii) and 379 of IPC, in Crime No.56 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 06.04.2021, due to dispute with regard to payment of lease amount, the petitioners and other accused persons forcibly attempted to vacate the defacto complainant from the premises. Due to which, the defacto complainant has filed a civil suit in O.S.No.112 of 2021 along with I.A.No.2 of 2021 on the file of the learned First Additional District Munsif,

<https://hcservices.ecourts.gov.in/hcservices/>



Nagercoil, seeking interim injunction and the same was granted. Despite such interim order, the petitioners and other accused person said to have illegally trespassed into the premises and attacked the defacto complainant and caused damage to the property and stolen fishnet worthabout Rs.5 lakhs. Hence, the present complaint.

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3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons. In fact, the defacto complainant and other accused person said to have illegally trespassed into the premises and caused damage to the property and attacked the petitioners and also stolen 10 sovereigns of gold chain of the first petitioner. Due to which, a case in counter has been registered in Crime No.58 of 2021 for the offence under Sections 147, 148, 448, 294(b), 323, 324, 506(ii) and 379 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 it is a case in counter and the injured person has already 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) and 379 of 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, Sattankulam, 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.

<https://hcservices.ecourts.gov.in/hcservices/> 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

/ 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,
SATTANKULAM, THOOTHUKUDI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
VELLICHANTHAI POLICE STATION, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.GOWRISHANKAR R Advocate SR.No.3328

ORDER
IN
CRL OP(MD) No.5680 of 2021
Date :21/04/2021