



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

Date : 27/04/2021

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PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD).No.5823 of 2021

1.A.Ranjith
2.Sahaya Reena

... Petitioners/Accused Nos.1 and 2

Vs

State Rep. by
The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari.
Crime No.160 of 2021.

... Respondent/Complainant

For Petitioners: Mr.Raamakrishnan.KA,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.160 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 and 2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 294(b), 323, 427 IPC., and Section 4 of TNPHW Act, in Crime No.160 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are relatives. The defacto complainant's mother borrowed a hand loan from the first petitioner, but she did not repay it. Due to that, there was a wordy quarrel between the second petitioner and the defacto complainant's mother and subsequently on 07.04.2021 at about 5.15 p.m. the petitioners caused damage to the showcase glass in the defacto complainant's house and

<https://hccases.courts.gov.in/hccases/>



3. The learned counsel for the petitioners would submit the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that it is a case in counter. The respondent police has registered the case in Crime No.159 of 2021 as against the defacto complainant and others. He further submitted that the injured has already been discharged from the hospital.

5. 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 injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the Additional Mahila Court, Nagercoil, Kanyakumari District, 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 first petitioner shall report before the respondent police daily at 10.30 a.m. until further orders and the second petitioner 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]**;



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

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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 JUDGE,
ADDITIONAL MAHILA COURT,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
KANYAKUMARI POLICE STATION,
KANAYAKUMARI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5823 of 2021
Date :27/04/2021

VSD
JM/SKN/SAR IV/04.05.2021/3P/4C