



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

Date : 13/05/2021

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.6737 of 2021

- 1.Arjunan
- 2.Vinith
- 3.Vijil @ Vijin
- 4.Vijay @ Vitheesh
- 5.Vinish @ Jenish
- 6.Sujin

... Petitioners/Accused No.1, 3 to 7

Vs

State Rep. by
The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
Crime No.147/2021.

... Respondent/Complainant

For Petitioners : Mr.Sivabalan.K.,
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.147 Of 2021 on
the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners/A1, 3 to 7, who apprehend arrest at the hands of
the respondent police for the alleged offences punishable under
Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC, in Crime No. 147
of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have
illegally transported the sand from the defacto complainant's
garden, which was questioned by the defacto complainant. At that
time, the petitioners along with others attacked the defacto
complainant and also scolded him with filthy language. Hence, the
complaint.

3.Heard the learned counsel appearing for the petitioners and
the learned Government Advocate (Crl.side) appearing for the



4.The learned counsel for the petitioners submitted that 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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5.The learned Government Advocate (Crl.side) submitted that the injured person had been discharged from the hospital on 05.05.2021 and he has strongly opposed to grant anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that the injured had already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Padmanabhapuram, 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.50,000/- (Rupees Fifty 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 are directed to deposit a sum of Rs.500/- (Rupees Five hundred only) to the credit of IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), within a period of two weeks without prejudice to his rights and contentions before the trial Court;

[c] the petitioners shall report before the respondent police as and when required.

[d]the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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];



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

sd/-
13/05/2021

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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 NO.II,
PADMANABHAPURAM, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.6737 of 2021
Date :13/05/2021

msa/cm
JM/MNR/SAR I/20.05.2021/3P/6C