



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

Date : 26/05/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7011 of 2021

1. Murugajegan
2. Madhavan
3. Ramesh
4. Siva Ramalingam
5. Sivalinga Perumal
6. Satheesh Sivam

... Petitioners/Accused No.1 to 6

Vs

State Rep. by
The Inspector of Police,
Kottar Police Station, Kottar,
Kanyakumari District.
Crime No.269/2021

... Respondent/Complainant

For Petitioners : Mr.Palani Velayutham.S
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.269 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 294(b) and 506(2) of IPC, in Crime No.269 of 2021 on the file of the respondent police, seek anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that there was a dispute between the petitioners and the defacto complainant with regard to the management of the temple, due to which, the petitioners abused the defacto complainant in filthy language and also attacked him. Hence, the complaint.

4.The learned counsel for the petitioners would submit that due to previous enmity, the petitioners have been falsely implicated in the case. Hence, he seeks anticipatory bail for the petitioners.



5.The learned Additional Public Prosecutor (criminal side), on instructions, submitted that the injured has been discharged from the hospital.

6.It is seen that all other offences except 506(ii) of IPC are bailable offences and that the injured has been discharged from the hospital. Considering the above facts and circumstances of the case and also considering the impact of covid-19 pandemic situation and the consequent efforts not to congest the prisons, this Court is of the view that the arrest of the petitioner at this point of time is not necessary and unwarranted in the interest of public at large. Hence, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7. The petitioners shall in the event of arrest by the respondent police or on their surrender before the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District within a period of one month from the date of resumption of regular work in the Court below, be released on bail on them executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the concerned Judicial Magistrate and on further conditions that:

(a)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 appear before the respondent police, as and when required;

(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]***; and;

(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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.

WEB COPY

TO

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

ORDER

IN

CRL OP(MD) No.7011 of 2021

Date :26/05/2021

mbi

JM/VR/SAR I/01.06.2021/3P/5C