



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/06/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD).No.7262 of 2021

1.Selvadasan
2.Jestin

... Petitioners/Accused
No.1 and 2

Vs

The State rep.by,
The Inspector of Police,
Kollam Code Police Station,
Kanyakumari District.
Crime No.217/2021.

... Respondent/Complainant

For Petitioners : Mr.S.Palani Velayutham,
Advocate.

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

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

PRAYER :-

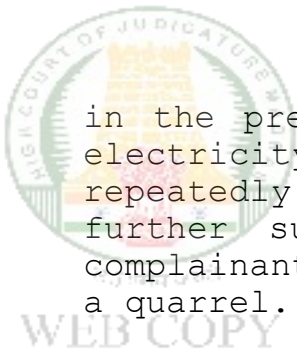
For Anticipatory Bail in Crime no. 217 of 2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2 respectively, apprehend arrest by the respondent police for the offences punishable under Sections 294 (b), 353 and 506 (i) of IPC in Crime No.217 of 2021 on the file of the respondent police, and seek anticipatory bail.

2.The case of the prosecution is that the petitioners had attacked the linesman belonging to the Electricity Department and he was also threatened and prevented from performing his public duty.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged offence and the petitioners have been falsely implicated



in the present case. It was further submitted that there was no electricity connection for more than a week and the petitioners were repeatedly requesting for restoring connection. The learned counsel further submitted that for reasons best known to the defacto complainant, the connection was not restored, which resulted only in a quarrel.

4.The learned Additional Public Prosecutor, appearing on behalf of the respondent police, on instructions, submitted that the linesman was not allowed to perform his public duty and he was threatened.

5.Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent police.

6.Considering the above facts and circumstances of the case and also considering the fact that the entire incident had happened only in the heat of the moment, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two sureties (common sureties for all the petitioners) each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two sureties (common sureties for all the petitioners) each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

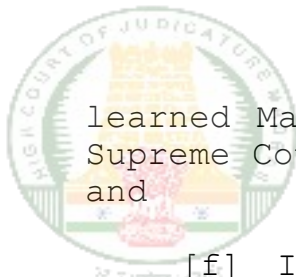
[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioners shall report before the respondent police as and when required for interrogation;

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

[d]the petitioners shall not tamper with evidence or witness 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 were breached 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 229A IPC.

sd/-
07/06/2021

/ 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 No.II,
KUZHITHURAI,KANYAKUMARI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE INSPECTOR OF POLICE,
KOLLAM CODE POLICE STATION,
KANYAKUMARI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7262 of 2021
Date :07/06/2021

SM
TK/PN/SAR.3/10.06.2021/3P/5C