



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

Date : 18/06/2021

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PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.7975 of 2021

1. Manoharan
2. Mano Ranjani
3. Nalini

... Petitioners/Accused 1to3

Vs

The State rep. by
The Sub-Inspector of Police,
Pazhugal Police Station,
Kanniyakumari District.
(Crime No.80/2021).

... Respondent/Complainant

For Petitioners: Mr.K.P.Narayanakumar,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.80 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323,354 and 506(ii) of IPC in Crime No.80 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 06.02.2021 at about 7.00 a.m., when one Manokar was laying hollow block in the pathway of his house, the defacto complainant asked him why he was laying hollow blocks in the disputed property, for which the said Manokar abused the defacto complainant in filthy language and when her daughter intervened she was assaulted by him. When her another daughter and son enquired about the incident they were also



assaulted by the wife and daughter of defacto complainant. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that counter case has been registered against the defacto complainant in Crime No.79 of 2021 for the offences under Sections 147,294(b),323,324,379, 506(i) of IPC based on the complaint given by the first accused.

4.The learned Government Advocate (Criminal side) for the respondent strongly opposed this petition on the ground that investigation is pending. However, he fairly conceded that the injured was treated as out patient.

5.Taking into consideration the facts and circumstances of the case and the fact that it a case where two parties fought with each other in connection with laying of hollow block in the pathway and also the fact that the counter case has been registered based on the complaint given by the first accused and also the fact that the injured was treated as out patient, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate I, Kuzhithurai on condition that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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., until further orders;

[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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/06/2021

/ 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.I,
KUZHITHURAI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUB-INSPECTOR OF POLICE,
PAZHUGAL POLICE STATION,
KANNIYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7975 of 2021
Date :18/06/2021

AAV
SRS/VR/SAR-III/23.06.2021/3P/5C