



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8310 of 2021

1. Jeyakumar

2. Martin @ Martin Miller

... Petitioners/Accused 1,2

Vs

The State Rep. by
The Inspector of Police,
Puthukadai Police Station,
Kanniyakumari District.
Crime No. 286 of 2021.

... Complainant/Respondent

For Petitioners : Mr.Balamurugapandi D,
Advocate.

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

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

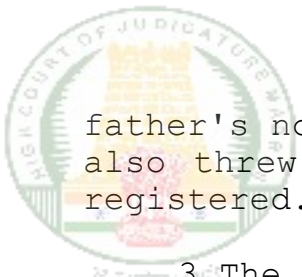
PRAYER :-

For Anticipatory Bail in Crime No.286 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 452, 294(b), 427, 324, 307, 506 (ii) of IPC and Section 4 of TNPHW Act, in Crime No.286 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there is a previous enmity between the accused Jeyakumar and the defacto complainant. On 11.06.2021 at about 2.00 pm., when the defacto complainant was in his house the accused had come into his house and scolded him in filthy language. Jeyakumar attacked him with aruval on his left hand. Martin stabbed him. Martin attacked the sister of the defacto complainant Jeebaselvi with aruval. Jeyakumar attacked his father with aruval on his left hand and Jenisha threw stone on his



father's nose. Vasantha and Jansirani attacked them with stones and also threw chilly powder on them. Therefore, this case came to be registered.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would also submit that the wife of the second petitioner is five month pregnant and there is some health issue, therefore she was admitted in the hospital, hence he seeks anticipatory bail.

4. The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is pending. However, he fairly concedes that the injured has been discharged from the hospital. He would also submit that the counter case has been registered in Crime No.287 of 2021 for the offences under Sections 294(B), 452, 427, 324, 307 and 379 of IPC based on the complaint given by the first petitioner.

5. Taking into consideration the facts and circumstances of the case and the fact that the injured has been discharged from the hospital and the fact that the custodial interrogation of the petitioners is not required, 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 No.II, Kuzhithurai, Kanniyakumari District 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:

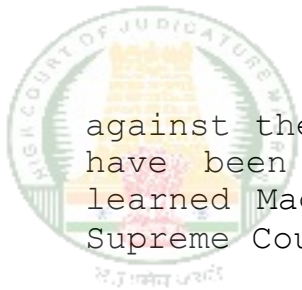
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[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/-

08/07/2021

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

+1 CC to Mr.D.BALAMURUGAPANDI, Advocate (SR-4406[I]dated 08/07/2021)

ORDER

IN

CRL OP(MD) No.8310 of 2021

Date :08/07/2021

AAV

TE/AKM/SAR-II : 12/07/2021 : 3P/6C