



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

Date : 01/07/2021

PRESENT

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The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8628 of 2021

1.John Inigo
2.Antrose @ Micheal Antrose ... Petitioners/Accused Nos.2 and 3

Vs

State Represented by
The Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.
(Crime No.180 of 2021) ... Respondent/Complainant

For Petitioners : Mr.G.Anto Prince
Advocate.

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

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

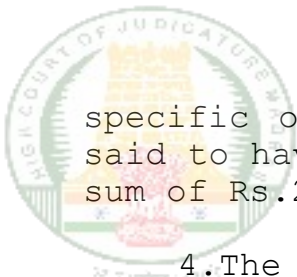
PRAYER :- For Anticipatory Bail in Crime No.180 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 341, 387 and 506(ii) of IPC, in Crime No.180 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 16.06.2021 at about 3.15 p.m., while the defacto complainant was coming to Parvathi Puram, Perumal Nagar, the accused had came in a two wheeler bearing registration No. TN 75 D2332 and waylaid the defacto complainant and demanded money. The defacto complainant told them that he had no money. The accused persons scolded the defacto complainant in filthy language and the first accused threatened the defacto complainant at knife point and took a sum of Rs.200/- from the defacto complainant packet. Therefore, the case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they had been falsely implicated in this case. He further submitted that there is no



specific overt act against the petitioners only the first accused said to have criminally intimidated the defacto complainant and took a sum of Rs.200/- from the packet of the defacto complainant.

4.The learned Government Advocate(Crl.Side) appearing for the respondent opposed this petition on the ground that the investigation is pending and he further submitted that one previous case is pending against the first petitioner.

5.The learned counsel for the petitioners submitted that the second petitioner was implicated in Crime No.179 of 2021 and on the very same day he was implicated in another Crime No.180 of 2021 for different offence in a different place. It clearly shows that this case has been falsely foisted against the petitioners.

6.Taking into consideration the facts and circumstances of the case and the submission of the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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.1, Nagarcoil, on condition that the petitioner 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 petitioner 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/-
01/07/2021

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/ /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.I,
NAGERCOIL.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE INSPECTOR OF POLICE,
ASARIPALLAM POLICE STATION,
KANYAKUMARI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8628 of 2021
Date :01/07/2021

tta
AE/MNR/SAR-II/08.07.2021/3P/5C