



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

Date : 06/07/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8850 of 2021

1. Bibin Sankar
 2. Gobinath Shankar @ Gobinathan
 3. Abhijith
 4. Aneesh
 5. Arjun Shankar
- ... Petitioners/Accused 1,2,4 to 6

Vs

The State of Tamil Nadu,
Rep. By The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.
Crime No. 91/201.

... Respondent/Complainant

For Petitioners : Mr.R.Mohanasundaram,
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. 91 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 147, 148, 294(b), 341, 323, 324, 506(ii) IPC in Crime No.91 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 14.06.2021 at about 01.00 pm., when the defacto complainant was standing in queue for purchasing ration articles at Kallupalam ration shop, the seventh accused was photographing the ladies standing in the queue. When the same was questioned by the defacto complainant, he called his friends. After some time, other accused came there and started attacking the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.



4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed. However, he submitted that the injured in this case has been treated as out patient.

5.Considering the facts and circumstances of the case and the fact that the seventh accused, who is the third petitioner herein, said to have been taken photos of the women standing in the queue, this Court is not inclined to grant anticipatory bail to the third petitioner. Accordingly, this criminal original petition is dismissed against the third petitioner.

6.Taking note of the fact that the injured person has been treated as out patient, this Court is inclined to grant anticipatory bail to the petitioners 1, 2, 4 & 5.

7.Accordingly, the petitioners 1, 2, 4 & 5 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.I, Kuzhithurai on condition that the petitioners 1, 2, 4 & 5 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 1, 2, 4 & 5 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 1, 2, 4 & 5 shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioners 1, 2, 4 & 5 shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners 1, 2, 4 & 5 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 1, 2, 4 & 5 in accordance with law as if the conditions have been imposed and the petitioners 1, 2, 4 & 5 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/-
06/07/2021

/ TRUE COPY /

/ /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.1,
KUZHITHURAI.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL
- 3.THE INSPECTOR OF POLICE,
PAZHUGAL POLICE STATION,
KANYAKUMARI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8850 of 2021
Date :06/07/2021

GNS
AE/VR/SAR-V/08.07.2021/3P/5C