



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

Date : 06/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.8860 of 2021

WEB COPY

1. Kumar,
2. Biju @ Baiju,
3. Jegatheesh,
4. Shyju,
5. Selvaraj,

... Petitioners/Accused 1 to 5

Vs

The state rep. by
The Inspector of Police,
Arumanai Police Station,
Kanniyakumari District.
Crime No.337 of 2021) ... Respondent/Complainant

For Petitioner : M/s.Mohanasundaram.R,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.337 of 2021 on the file of
the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of
the respondent police for the alleged offences punishable under
Sections 147, 448, 294(b), 324, 323 and 506(ii) of IPC, in Crime
No.337 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are said
to have assaulted the defacto complainant with a knife and iron rod
and also threatened him with dire consequences.

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



4.The learned Government Advocate (Crl.side) for the respondent, on instructions, submitted that the injured has been discharged from the hospital.

5.Taking into consideration of the facts and circumstances of the case and the fact that the injured has been discharged from the hospital, 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, Valliyoor, 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 conditions 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, as and when required for interrogation.

[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;

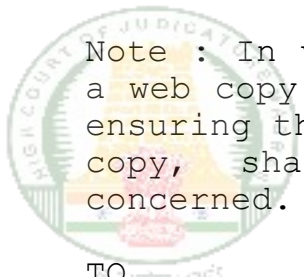
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
06/08/2021

/ 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 learned Judicial Magistrate,
Valliyoer.
2. Do-Through The Chief Judicial Magistrate,
Kanniyakumari.
3. The Inspector of Police,
Arumanai Police Station, Kanniyakumari
District. (Crime.No. 337 of 2021).
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP (MD) No.8860 of 2021

Date : 06/08/2021

CN/JM/S2(23.08.2021) 3P 5C