



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

Date : 07/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8885 of 2021

1. Thomas
2. Sajeesh @ Satheesh
3. Thatheyus

... Petitioners/Accused 1 to 3

Vs

State Rep.by
The Inspector of Police,
Kollencode Police Station,
Kanyakumari District.
Crime No.303 of 2021.

... Respondent/Complainant

For Petitioners: Mr.S.C.Herold Singh,
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.303 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), 323, 506(i)IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.303 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant gave Rs.One Lakh to her husband's sister Mary Helan Rose on 09.10.2016. Whenever, she demanded the money, she told her that she would return the money later. On 24.06.2021 at about 02.00 pm., when she was going near Marthandamthurai School, Mary Helan Rose's husband Thomas scolded her in filthy language and hit her on left cheek and left shoulder stating that she should not demand money. On 25.06.2021, at about 2.30 hours, when she was going near Alociyar School ground, the said Thomas scolded her in filthy language and hit her. When she was going to the hospital, all the accused joined together and attacked her husband. 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 person has been discharged from the hospital.

5.Reading of FIR shows that the defacto complainant and the accused are close relatives. Due to monetary dispute, this incident had happened. Considering all these factors and the fact that the injured person has already been discharged from the hospital and also the fact that except Section 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, the other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners.

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, Kulithurai, 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 respondent police daily at 10.30 am., 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/-
07/07/2021

/ TRUE COPY /

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

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-4388[I] dated 07/07/2021)

ORDER
IN
CRL OP(MD) No.8885 of 2021
Date :07/07/2021

GNS
MS/RSK/SAR-5/12.07.2021/3P.6C