



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

Date : 08/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8937 of 2021

1. Ratheesh Kumar
 2. Renjith @ Renjith Kumar
 3. Sasi @ Sasi Kumar
 4. Selish Raj
 5. Vinish Raj
 6. Sathishkumar
 7. Shibu
 8. Mohan Raj @ Yesurajan
- ... Petitioners/Accused 1 to 8

Vs

State Rep.by
The Sub Inspector of Police,
Marthandam Police Station,
Kanniyakumari District.
(Crime No.495/2021)

... Respondent/Complainant

For Petitioners: Mr.A.Balakrishnan,
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.495 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A8, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448, 294(b), 427, 323, 324, 379 and 506(ii) of IPC, in Crime No.495 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity on 27.06.2021 at about 2.00 pm., when the defacto complainant was in his house, the accused persons had come in 2 two wheeler with wooden log and knife, trespassed into the house, scolded him in filthy language and caused damage to the windows. They attacked the defacto complainant on his head and his brother Subinraj on his head. They also attacked his father Yovas and another brother



Jaisingh and also stolen 2 ¼ sovereign gold chain and ½ sovereign gold ring. 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.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is pending. He would also submit that A1 is having previous case in Crime No.86 of 2019 for the offences under Sections 294(b), 323,326, 506(ii) of IPC on the file of the Marthandam Police Station and A7 is having previous case in Crime No.270 of 2018 for the offences under Sections 147,148,294(b),323,341, 506(ii) of IPC on the file of the Marthandam Police Station However, he fairly concedes that the injured has been discharged from the hospital.

5. Considering the fact that A1 and A7 are having previous case against them, this Court is not inclined to grant anticipatory bail to A1 and A7, hence the petition stands dismissed against them alone.

6.Taking into consideration the facts and circumstances of the case and the fact that the injured has been discharged from the hospital and also the fact that except 379 and 506 (ii) of IPC, all other offences are bailable offences and also the fact that no previous case is pending against the petitioners 2 to 6 and 8, this Court is inclined to grant anticipatory bail to the petitioners 2 to 6 and 8 with certain conditions.

7.Accordingly, the petitioners 2 to 6 and 8 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 2 to 6 and 8 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 2 to 6 and 8 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 2 to 6 and 8 shall report before the respondent police, daily at 10.30 a.m., until further orders;



[c]the petitioners 2 to 6 and 8 shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioners 2 to 6 and 8 shall not abscond either during investigation or trial;

WEB COPY [e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 to 6 and 8 in accordance with law as if the conditions have been imposed and the petitioners 2 to 6 and 8 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.I, KUZHITHURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUB INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION, KANNYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.8937 of 2021

Date :08/07/2021

AAV

MS/VR/SAR-5/12.07.2021/3P.5C