



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9120 of 2021

1. Russel Raj
2. Russel Dhas
3. Raja Dhas

... Petitioners/Accused 1 to 3

Vs

State through
The Sub Inspector of Police,
Arumanai Police Station,
Kanyakumari District
Crime No. 355/2021.

... Respondent/Complainant

For Petitioners : Mr.Balakrishnan. A,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 355 Of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 427,294(b),323,506(ii) of IPC., in Crime No.355 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 27.06.2021 at about 4.00p.m. when the defacto complainant and his father were going to their garden(தோட்டம்) the accused persons trespassed into garden (தோட்டம்),destroyed the coconut trees, electric motor, net, fence and other articles. When the father of the defacto complainant asked why they were doing like this they scolded them in filthy language and also attacked with hands, legs and wooden log. They also caused damage worth about Rs.25,000/- , therefore the case came to be registered.



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 opposed this petition on the ground that investigation in this case is pending. He would also submit that the injured has been discharged from the hospital.

5.Taking into consideration the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital and also the fact that except 506(ii) of IPC other offences are bailable, this Court is inclined to grant anticipatory bail to the petitioners with 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 No.I, Kuzhithurai 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;

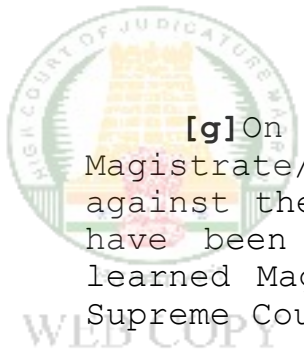
[b] the petitioners are jointly directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.355 of 2021 before the learned Judicial Magistrate No.I, Kuzhithurai**, within a period of two weeks without prejudice to their rights and contentions before the trial Court;

[c]the learned Judicial Magistrate No.I, Kuzhithurai is directed to pass appropriate orders with regard to the disbursing of the amount at the time of final disposal of the case including granting compensation of the de-facto complainant;

[d]the petitioners shall report before the respondent police, daily at 10.30 a.m., until further orders;

[e]the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f]the petitioners shall not abscond either during investigation or trial;



[g]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]**;

[h]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
09/07/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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,
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9120 of 2021
Date : 09/07/2021

VB/JC/SAR.V/13.07.2021/3P/5C