



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9427 of 2021

1. R.Sundarasivalingam,
2. S. Prakash Kumar,
3. Santhosh Kumar,

... Petitioners/Accused

Vs

The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District. (Crime No 363/2021).

... Respondent/Complainant

For Petitioners : M/s.Raamakrishnan.Ka,
Advocate.

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

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

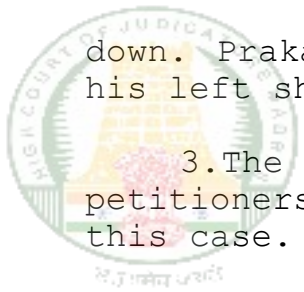
PRAYER :-

For Anticipatory Bail in Crime No. 363 of 2021 on the file of 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 448, 294(b), 323,324,506(ii) of IPC, in Crime No.363 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is having a fancy store in Gandhi Mandapam from 2006. He was a sub leasee under the first accused. Due to corona pandemic situation he closed the shop. On 03.07.2021, when he went to the shop he saw the accused persons inside the shop and he asked them why they had opened the shop, for which they abused him in filthy language and told him that the shop belongs to them. Sundaralingam pushed him



down. Prakash and Santosh attacked him with iron rod and knife on his left shoulder. 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. However, he fairly concedes that the injured has been discharged from the hospital.

5. There was an issue between the accused and defacto complainant in connection with the sub lease of the property and on that score this incident had occurred.

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 324 and 506 (ii) of IPC, all other offences are bailable offences, 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 No.I, Nagercoil, Kanyakumari District 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 the respondent police, daily at 10.30 a.m., 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/-
16/07/2021

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/ 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
Nagercoil, Kanyakumari District.
2. Do-Through The Chief Judicial Magistrate
Nagercoil, Kanyakumari District.
3. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.9427 of 2021

Date : 16/07/2021

CN(22.07.2021) 3P 5C