



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2021

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PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9792 of 2021

1.Joshi @ N. Maria Infant Josy

2.N.Shanthi

... Petitioners/Accused Nos.1 and 2

Vs

The State represented by
The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.
Crime No.360 of 2021.

... Respondent/Complainant

For Petitioners: Mr.R.SARAVANA KUMAR, Advocate.

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

For Intervenor : Mr.SANTHANA KRISHNAN, Advocate.

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

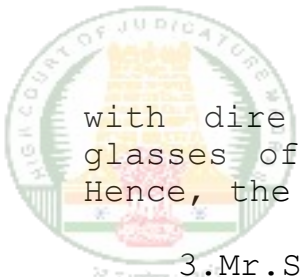
PRAYER :-

For Anticipatory bail in Crime No.360 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 506(ii) and 427 of IPC, in Crime No.360 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, one Anthony lodged a complaint against the 1st petitioner. When the police called the 1st petitioner for enquiry, the petitioners herein abused the defacto complainant in filthy language



with dire consequences and the 1st petitioner damaged the door glasses of the defacto complainant's car worth about Rs.50,000/-. Hence, the complaint.

3.Mr.Santhana Krishnan, learned counsel for the intervenor submits that the intervenor has filed a intervening petition before this Court and the same is yet to be numbered. He further submits that video footage is available regarding the conduct of the petitioners.

4.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case.

5.The learned Government Advocate (Crl.side) for the respondent submits that there was no injury on the defacto complainant.

6.Taking into consideration the facts and circumstances of the case that there was no injury on the defacto complainant, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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.III, Thoothukudi 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 10.00 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/-
23/07/2021

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/ /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.III
THOOTHUKUDI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE
THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI DISTRICT.

ORDER
IN
CRL OP(MD) No.9792 of 2021
Date :23/07/2021

SA/VR/SAR.1/27.07.2021/3P/5C