



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.10584 of 2021

1. Arul Shaji

2. Little Flower ... Petitioners/Accused No.1 & 3

Vs

The State represented by
The Sub Inspector of Police,
Pazhugal Police Station,
Kanniyakumari District.
Cr.No. 108 of 2021..

... Respondent/Complainant

For Petitioners : Mr.K.P.NARAYANAKUMAR,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.108 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A3, who apprehend arrest at the hands of
the respondent police for the alleged offences punishable under
Sections 447, 294(b), 354, 323, 324 and 506(ii) IPC in Crime No.108
of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive,
the petitioners assaulted the defacto complainant and his wife and
threatened them with dire consequences.

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 submitted that the injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and the fact that injured has been discharged from the hospital, 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.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 learned Magistrate concerned and on further conditions 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 Aadhaar 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.

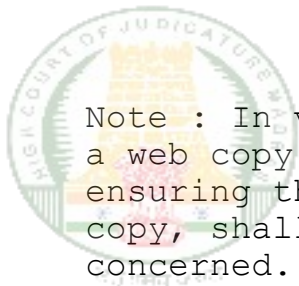
sd/-

11/08/2021

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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.

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- 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
PAZHUGAL POLICE STATION,
KANNIYAKUMARI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10584 of 2021
Date :11/08/2021

SS/JM/SAR-II/18.08.2021 : 2P/5C