



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.10965 of 2021

Ratheesh Kumar

... Petitioner/Accused No.1

Vs

State rep by
The Sub Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime No.495 of 2021

... Respondent/Complainant

For Petitioner : Mr.A.Balakrishnan

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.495 of 2021 on the file of the respondent Police.

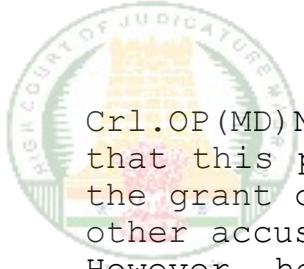
ORDER : The Court made the following order :-

The petitioner, who apprehends 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(2) of IPC in Crime No.495 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 27.06.2021, the petitioner and other accused trespassed into the house of the defacto complainant, abused the family members, attacked them and threatened them with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he is falsely implicated in this case.

4. The learned Government Advocate (Criminal Side), would submit that the earlier application moved by the petitioner in



Crl.OP(MD)No.8937 of 2021 was dismissed on 08.07.2021 on the ground that this petitioner is involved in another case. He also objected the grant of anticipatory bail on the ground that the petitioner and other accused have snatched away chain from the defacto complainant. However, he would submit that the injured has been discharged from the Hospital.

5. In this case, there are totally eight accused. All the seven accused except this petitioner were granted anticipatory bail and this petitioner was denied anticipatory bail on the ground that he is involved in another case. Considering the fact that the earlier application was dismissed on 08.07.2021 and the respondent Police has not arrested the petitioner till date and that the injured has also been discharged from the Hospital, this Court is inclined to grant anticipatory bail to the petitioner and hence, this petition is allowed.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Kuzhithurai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the Magistrate concerned and on further conditions that:

[a]the petitioner 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 petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
10/08/2021

/ TRUE COPY /

/ /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. I,
KUZHITHURAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUB INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No. 10965 of 2021
Date : 10/08/2021

VB/JM/SAR.II/18.08.2021/3P/5C