



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11045 of 2021

1. Manoj,
2. Sukumaran, ... Petitioners/Accused Nos. 1 & 2

Vs

State Rep by
The Inspector of Police,
Thuckalay Police Station, Nagercoil,
Kanyakumari District
(Cr. No.575 of 2021). ... Respondent/Complainant

For Petitioners : Mr.N.Dilip Kumar,
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. 575 /2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 427, 506(i) and 379 of IPC in Crime No.575 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 23.07.2021, at about 04.00 pm, when the defacto complainant parked his Maruthi Swift car bearing Registration No.TN 10 V 4612 near Pathirakaliyamman Temple Road at Kollai, the accused persons abused him in filthy language, and threatened to kill him. Further, the accused



had taken a sum of Rs.90,000/- from the dash board of the car. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents, they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police, opposed this petition on the ground that investigation is yet to be completed.

5. The case was registered on 23.07.2021 and the respondent Police has not arrested the petitioners till date. The defacto complainant claims that a glass worth of Rs.1,00,000/- has been damaged in his car. However, no materials have been placed before this Court. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners and hence, this Criminal Original Petition is allowed.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Padmanaphapuram, 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 learned 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 am., until further orders.

(c)the petitioners shall not tamper with the 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]***; and;



(f) if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/08/2021

WEB COPY

/ TRUE COPY /

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

mbi

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,
Padmanaphapuram
2. The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
3. The Inspector of Police,
Thuckalay Police Station,
Nagercoil,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-5457[I] dated 17/08/2021)

ORDER
IN

CRL OP(MD) No.11045 of 2021
Date : 16/08/2021

TR/JC/SAR-IV (23.08.2021) 3P 6C