



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.12002 of 2021

1. Prince @ Rajith Prince

2. Brisil @ Rajith Pricil

... Petitioners/A1 & 2

Vs

State rep.by

The Sub Inspector of Police,

Puthukadai Police Station,

Kanyakumari District,

(Crime No.99 of 2021)

...Respondent/Complainant

For Petitioners : M/a.N.S.Ramakrishna Dass, Advocate

For Respondent : M/a.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.99 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 452, 342, 294(b), 323 and 506(i) I.P.C, in Crime No.99 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant has borrowed some money from the petitioners for interest and due to non-payment of the interest and principal amount, the petitioners trespassed into the defacto complainant's house, assaulted him and caused injuries. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the defacto complainant has lodged the present complaint only to avoid repayment of the amount. He would further submit that the defacto complainant has borrowed money from the petitioners and various persons for construction of his house and failed to repay the same. He would further submit that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case. Hence, he sought for grant of anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the investigation is yet to be completed.

5.Taking into consideration of the facts and circumstances of the case and the nature of allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and 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 learned Judicial Magistrate No.II, 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 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 a.m 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.

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Sd/-
08/09/2021

/ TRUE COPY /

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

msa

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.II,
KUZHITHURAI.
2. THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE SUB INSPECTOR OF POLICE,
PUTHUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12002 of 2021
Date :08/09/2021