



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

Date : 13/09/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13142 of 2021

1. J.Martin
2. Jeba Anbalagan
3. Subash
4. Rajesh
5. Antony Suresh
6. Aravind
7. George
8. Joseph Pandian
9. Jebastikler
10. Jebastin Dhamos
11. Santhom Edberg
12. Sahaya Pradeep
13. Hysin Gowtham Antony
14. Sahaya Sangeorge
15. Sahaya Rathinson
16. Jayabalan ... Petitioners/Accused rank not known

Vs

The state represented by
The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
Cr. No. 133 of 2021). ... Respondent/Complainant



For Petitioners : Mr.D.Ramesh Kumar,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Crime No. 133 of 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 offence punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.133 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioners abused the defacto complainant in filthy language and also attacked him. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners' names are not found in the FIR and based on the confession statement alone, the petitioners' names are implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that based on the confession statement, the petitioners' names are included in this case and apart from the confession statement of co-accused, no other material is available against the petitioners as on date.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against this petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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 Magistrare No.1, Nagercoil, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 respondent police as and when required.

[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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

13/09/2021

/ 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-I
NAGERCOIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
KANYAKUMARI POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13142 of 2021

Date :13/09/2021

SS/JC/SAR-IV/27.09.2021 : 3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>