



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13850 of 2021

1. Jose Bebin

2. Thanga Vijay

3. Deepak Saranraj

... Petitioners

Vs

State rep. by
Special Sub The Inspector of Police,
Vadassery Police Station,
Kanyakumari District.
(Crime No. 481 of 2021).

... Respondent

For Petitioners : Mr.G.V.Vairam Santhosh
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.481 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324, 332, 353 and 506(ii) of I.P.C. in Crime No.481 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 28.08.2021, there was a wordy quarrel between the petitioners and a lodge Manager and the same was questioned by Mr.Rajeswaran, Special Sub Inspector of Police, thereafter, the accused persons have quarrelled with the said SSI also. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits 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.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the first petitioner has three previous cases to his credit. The details of the pending cases are as follows:

S.N o	Crime No.	Offences	Police Station
1	594/2017	294(b), 324, 506(ii) IPC	Vadasery Police Station
2	181/18	294(b), 324, 506(ii) IPC & 3(i) TNPPDL Act.	Vadasery Police Station
3	189/2021	147, 148, 448, 294(b), 427 & 506(ii) of IPC.	Vadasery Police Station

He would further submit that no previous case is pending against the second and third petitioners..

5.In view of the antecedents of the first petitioner/A1, this Court is not inclined to grant anticipatory bail to the first petitioner/A1. **Accordingly, the petition is dismissed insofar as the first petitioner/A1 is concerned.**

6. Insofar as the second and third petitioners are concerned, considering the facts and circumstances of the case and the antecedents of the second and third petitioners, **this Court is inclined to grant anticipatory bail to the second and third petitioners** subject to the following conditions.

7.Accordingly, this criminal original petition is partly allowed and the second and third 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.II, Nagercoil, Kanyakumari District, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 second and third 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 second and third petitioners shall report before respondent police daily at 10.30 a.m until further orders.



[c]the second and third petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the second and third petitioners shall not abscond either during investigation or trial.

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[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 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/-

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/ /2021

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

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

ORDER

IN

CRL OP(MD) No.13850 of 2021

Date :22/09/2021

PKP/VR/SAR-3/22.10.2021/3P/5C