



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15456 of 2021

1. Manoharan
2. Rajesh

... Petitioners/Accused 1 & 2

Vs

The State rep.by
The Inspector of Police,
Nesamony Nagar Police Station,
Kanniyakumari District.
Crime No.410 of 2021.

... Respondent/Complainant

For Petitioners : Mr.K.P.NARAYANAKUMAR,
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.410 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 offences punishable under Sections 294(b), 308, 506(1) of IPC in Crime No.410 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have rented out their house to the defacto complainant. While so, the petitioner insisted the defacto complainant to vacate the house without any prior notice. Though the defacto complainant requested some time for vacating the house, the petitioners refused the same and they have mixed kerosene in the drinking water. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that it is a dispute between the landlord and tenant and the investigation is yet to be completed.



5.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that it is a dispute between the landlord and tenant, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Nagercoil, on condition that the petitioners shall execute a 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 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 as and when required for interrogation;

(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/-

08/10/2021

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/ /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 ADDITIONAL MAHILA COURT,
NAGERCOIL.



2 THE INSPECTOR OF POLICE,
NESAMONY NAGAR POLICE STATION,
KANNYAKUMARI DISTRICT.

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

+1. CC to Mr.K.P.NARAYANAKUMAR, Advocate SR.No.7167

ORDER

IN

CRL OP(MD) No.15456 of 2021

Date :08/10/2021

SA/PN/SAR.1/20.10.2021/3P/5C