



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15895 of 2021

WEB COPY

1. Albin Jeyakumar @ Alwin JayaKumar,

2. Jeganathan,

... Petitioners/Accused Nos.1 & 2
Vs

State rep. by
The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
(In Crime No.438/2021).

... Respondent/Complainant

For Petitioners : Mr.K.Sivabalan,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Additional Public Prosecutor

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

PRAYER :

For Anticipatory Bail in Crime No. 438 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 & 2, who apprehend arrest at the
hands of the respondent police for the alleged offences punishable
under Sections 294(b), 323 and 506(i) of IPC in Crime No.438 of 2021,
seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is government approved contractor. He requested the second
petitioner's office to allot contract to him on 05.10.2021 at about
02.30 pm. At that time, the first petitioner scolded the defacto
complainant and attacked him in his stomach and neck by bare hands.
Therefore, the present case has been registered.

3.The learned counsel appearing for the petitioners submitted
that it is a case in counter. He further submitted that the
petitioners are innocent persons and they have been falsely
implicated in this case. Hence, he seeks anticipatory bail to the
petitioners.

4.The learned Additional Public Prosecutor submitted that the
first petitioner is not have any previous case and the second
petitioner is having as many as 11 previous cases.



5.Since the second petitioner is having 11 previous cases, this Court is not inclined to grant anticipatory bail to the second petitioner. This Criminal Original Petition is dismissed insofar as the second petitioner.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is partly allowed and the first petitioner is 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, Padmanabapuram, Kanyakumari District, on condition that the first petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 first petitioner 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 first petitioner shall report before respondent police daily at 10.30 am., for the period of 30 days and thereafter, as and when required for interrogation;

(c)the first petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the first petitioner 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 petitioner 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]***; and;

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

sd/-
12/10/2021

/ TRUE COPY /

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



VSD/CSM

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

+1 CC to M/s.K.SIVABALAN, Advocate (SR-7216[I] dated 12/10/2021)

ORDER
IN
CRL OP(MD) No.15895 of 2021
Date :12/10/2021

PKP/PN/SAR-1/20.10.2021/3P/6C