



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

Date : 22/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16073 of 2021

1. Nimose @ Nimesh
2. Shanthi @ Mary Santhi
3. Malu @ Mary Shamina ... Petitioners/Accused No.2,3,4

Vs

The State Rep.by
The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
Crime No.37 of 2021. ... Respondent/Complainant

For Petitioners: Mr.S.Ramakrishnan,
Advocate.

For Respondent : Mr.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.37 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 147, 148, 294(b), 323, 324, 379 & 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, in Crime No.37 of 2021, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, 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 innocents and they have been falsely implicated in this case. He further submitted that the petitioners were already granted anticipatory bail by the learned Judicial Magistrate No.II, Kuzhithurai in Crl.M.P.No.1156 of 2021 dated 27.02.2021. However, since the names of the petitioners' have been wrongly mentioned in



the First Information Report, the learned Judicial Magistrate has not accepted the sureties of these petitioners.

4. Heard the learned Government Advocate(Crl.side) appearing for the respondent police.

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5.Considering the facts and circumstances of the case, the nature of allegations against the petitioners and that the petitioners were already granted anticipatory bail by the trial Court, 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 Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, 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/-

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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.

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TO

1. THE JUDICIAL MAGISTRATE NO.II,
KUZHITHURAI, KANYAKUMARI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
NITHIRAVILAI POLICE STATION, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAMAKRISHNAN, Advocate (SR-7362[I] dated
25/10/2021)

ORDER

IN

CRL OP(MD) No.16073 of 2021

Date :22/10/2021

SSB

MS/VR/SAR-2/29.10.2021/3P.6C