



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/12/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.18906 of 2021

1. Bibin Sankar
2. Gobinath Shankar @ Gobinathan
3. Aneesh
4. Arjun Shankar ... Petitioners/Accused Nos.1,2,5,6

Vs

The State represented by
The Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.
(Cr.No. 91 of 2021).

... Respondent/Complainant

For Petitioners: Mr.R.Mohanasundaram,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

For Anticipatory Bail in Crime No. 91 of 2021 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
147, 148, 294(b), 341, 323, 324 and 506(ii) I.P.C, in Cr.No.91 of
2021, seek anticipatory bail.

2.The case of the prosecution is that on 14.06.2021 at about
01.00PM, the seventh accused in his mobile phone had taken
photographs of the women, who were standing in the queue before
Kallupalam Fair Price shop for purchasing ration. When the *defacto*
complainant questioned the same, the seventh accused had abused him
with filthy language and called the other accused persons over phone
and he took photographs by sitting from his two wheeler. At that
time the accused persons came to the spot with deadly weapons,
abused and assaulted the *defacto* complainant. Hence, the present
complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any offence as alleged by the prosecution. He would further submit that though they also got anticipatory bail from this Court, they could not comply with the order and that the co-accused was already enlarged on bail and. Hence, prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the co-accused were already released on bail and this petitioners also got anticipatory bail from this Court.

5.It is not in dispute that the petitioners along with other accused have filed an application in Crl.OP(MD)No.8850 of 2021, seeking anticipatory bail and this Court vide order dated 06.07.2021 has granted anticipatory bail, imposing certain conditions and subsequently the petitioners and other accused have moved a petition in Crl.MP(MD)No.7247 of 2021 for extension of time, for complying with the conditions imposed in Crl.OP(MD)No.8850 of 2021 and this Court vide order dated 23.09.2021 dismissed the said petition, by granting liberty to the petitioners to file a fresh petition, if so advised. In pursuance of the said order, this petition has been filed by the petitioners.

6.Considering the facts and circumstances of this case and also the facts that the co-accused were arrested and released on bail and that the present petitioners have already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kuzhithurai on condition that the petitioners 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness
<https://hccourtscorpus.in/hccservices> 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

03/12/2021

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

ORDER

IN

CRL OP(MD) No.18906 of 2021

Date : 03/12/2021

PNM

SS/PN/SAR-IV/16.12.2021 : 3P/5C