



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

Date : 24.11.2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.18347 of 2021

1.Dennish Raj
2.Micheal Raj

... Petitioners/ Accused Nos.1 and 2

Vs

The Sub Inspector of Police,
Colachel police station,
Kanyakumari District.
Crime No.493 of 2021

... Respondent/Complainant

For Petitioners: Mr.S.Pugalendhi, Advocate
for Mr.K.P.Narayanakumar, 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.493 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324, 379, 506(ii) of IPC in Crime No.493 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours and they are having previous enmity. When the defacto complainant was on his way to home on the said day in his two wheeler, the petitioner way laid the defacto complainant, abused and attacked him and also snatched his gold chain and a sum of Rs.77,000/- (Rupees Seventy Seven Thousand only). Hence, the complaint.

3.The learned counsel for the petitioners would submit that a criminal case is pending between the parties at trial stage. On the occurrence date, the the defacto complainant has assaulted the petitioner and a case in Crime No.494 of 2021 under Section 341, 294 (b), 324, 379, 506(ii) of IPC is pending against the defacto complainant.



4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the injured person has been discharged from the hospital.

5.Considering the facts that there existed land dispute between the parties, that the injured has been discharged from the hospital, that a case in counter is pending against the defacto complainant and party this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, 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, Eraniel, 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 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

24/11/2021

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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.

WEB COPY

TO

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

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-8491[I] dated 25/11/2021)

ORDER

IN

CRL OP(MD) No.18347 of 2021

Date :24/11/2021

PNN

MS/VR/SAR-3/30.11.2021/3P.6C