



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

Date : 07/01/2022

PRESENT

The Hon'ble Mrs. Justice R. THARANI

CRL OP(MD). No.275 of 2022

1. ALWIN
2. JEBASTIAN

... PETITIONERS/ACCUSED NOS.1&2

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANNIYAKUMARI DISTRICT.
(CRIME NO.767/2021).

... RESPONDENT/COMPLAINANT

For Petitioners : M/s.Kalaiyarasi Bharathi P,
Advocate.

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

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

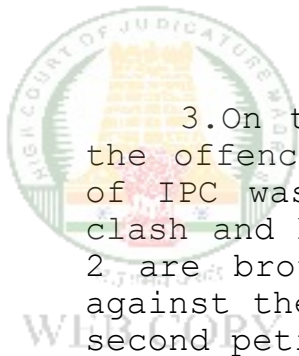
PRAYER :-

For Anticipatory Bail in Crime No. 767 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 324 and 307 of I.P.C., in Crime No.767 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The allegation against the petitioners is that on 29.12.2021 at about 3.15 p.m., when the petitioner and others were roaming with deadly weapons and when the same was videographed by the defacto complainant, the petitioners along with other accused attacked the defacto complainant, abused him in filthy language and threatened him. A case in Crime NO.767 of 2021 was registered against the petitioner for the offences under Sections 294(b), 323, 324 and 307 of I.P.C.



3. On the side of the petitioner, it is stated that a case for the offences under Sections 109, 294(b), 447, 427, 379 and 506(ii) of IPC was registered against the petitioners. There was a group clash and both the group attacked each other. The petitioners 1 and 2 are brothers. On the same day two more cases were registered against the first petitioner and one case was registered against the second petitioner and the problem involved in all the cases are same and prayed the petitioners to be released on anticipatory bail.

4. On the side of the respondent, it is stated that there was communal clash between two groups of people and the petitioners caused injury to the other group. The injured in this case have been discharged from the hospital. The first petitioner is having two previous cases and second petitioner is having one previous case and prayed the petition to be dismissed.

5. It is seen that the injured was discharged from the hospital and the previous cases are related to the same incident. In view of the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Eraniel, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
07/01/2022

/ TRUE COPY /

/ /2022
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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

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

ORDER

IN

CRL OP(MD) No.275 of 2022

Date :07/01/2022

USK/PN/SAR-II/12.01.2022/3P/5C