



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/02/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.715 of 2022

1. Prabinkumar @ Pravinkumar
2. Suriya @ Suriya Prakash
3. Udhayakumar
4. Ramesh @ Rameshkumar
5. Sindhu

... Petitioners/Accused No.1 to 5

Vs

State Rep.by
The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
Cr.No.3 of 2022.

... Respondent/Complainant

For Petitioners: Mr.B.Viswanathan
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

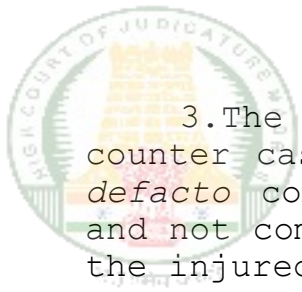
PRAYER :-

For Anticipatory Bail in Crime No.3 of 2022 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, 294(b), 323, 324, 354, 379 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.3 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there existed property dispute between the parties, on 01.01.2022 at about 09.30AM, the *defacto* complainant found that the accused persons constructed stone compound in the middle of the property, she questioned the same, while so, all of them assaulted, humiliated her. Hence, the complaint.



3.The learned counsel for the petitioners would submit that a counter case has been registered in Crime No.4 of 2022 against the *defacto* complainant and party, that the petitioners are innocents and not committed any offence as alleged by the prosecution and that the injured was discharged from the hospital.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the investigation is not yet completed, that the injured was discharged from the hospital and that it is a case and counter case and the counter case has been registered in Crime No.4 of 2022 as against the *defacto* complainant and party.

5.Considering the facts that there existed previous enmity between the parties, that the injured was discharged from the hospital, that except the offence under Sections 379 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, all other offences are bailable in nature and that the counter case in crime No.4 of 2022 is pending against the *defacto* complainant and party, this Court is inclined to grant anticipatory bail to the petitioners with certain 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, Additional Mahila Court, Nagercoil, 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 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 1 to 4 shall report before the respondent police daily at 10.30a.m., for period of one month and thereafter as and when required for interrogation and the fifth petitioner shall report before the respondent police, 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/-
15/02/2022

/ 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.

TO

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

ORDER
IN
CRL OP(MD) No.715 of 2022
Date :15/02/2022

RS/SBN/SAR.4 (23.02.2022) 3P-5C