



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD) . Nos.3819 and 3867 of 2022

Raja : Petitioner/Accused Rank Not Known
in CRL.OP (MD) .No.3819/2022

1.Sribala
2.Subramani : Petitioners/Accused Rank Not Known
in CRL.OP (MD) .No.3867/2022

Vs

State Rep.by
The Sub Inspector of Police,
Aralvaimozhy Police Station,
Kanyakumari District.
(Crime No.34 of 2022) : Respondent/Complainant
(in both petitions)

(in both petitions)

For Petitioners : Mr.Veerakumar.T.,
Advocate.

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

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.34 of 2022 on the file of the respondent Police.

COMMON ORDER: The Court made the following common order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 294(b), 354, 323, 506(ii) and 379 (NP) of IPC and 4 of TNWPH Act, in Crime No.34 of 2022, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant, her husband and the petitioners were taking bath at Thovalai Channel near Avvayar Amman Kovil, at that time, there arose wordy quarrel between them, due to which, the petitioner abused the



defacto complainant in filthy language and also snatched Rs.4,000/- from the defacto complainant's husband. Hence, the complaint.

3.It is not in dispute that the petitioners' earlier petitions for anticipatory bail in Crl.OP(MD)Nos.2665 and 2929 of 2022, were dismissed by this Court vide order dated 09.02.2022 and 10.02.2022 respectively.

4.The learned counsel for the petitioners would submit that the petitioners are innocents and not committed any offence as alleged by the prosecution.

5.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the petitioners had misbehaved with the defacto complainant. He would further submit that the investigation is almost completed.

6.Considering the facts that the injured was treated as an out-patient and that the investigation is almost completed as stated by the learned Government Advocate (Criminal Side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

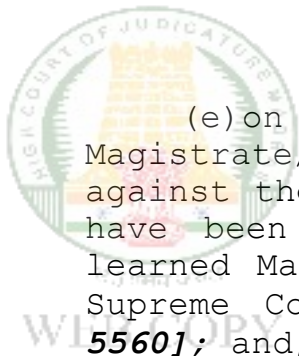
7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Boothapandi, Kanyakumari District, on condition that the petitioners 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 condition 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/-
11/03/2022

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/ /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,
Boothapandi, Kanyakumari District.
2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
3. The Sub Inspector of Police,
Aralvaimozhy Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s.T.VEERA KUMAR, Advocate (SR-1976[I] & SR-1977[I] dated 14/03/2022)

ORDER IN
CRL OP (MD).Nos.3819 and 3867 of 2022
Date :11/03/2022

RS/SBN/SAR.4(18.03.2022) 3P-7C

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