



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19.04.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.7206 of 2022

1.Arjunan
2.Vinith
3.Vijil @ Vijin
4.Vijay @ Vitheesh
5.Sujin

... Petitioners/A1, A3, A4, A5 & A7

Vs

The State represented by
The Inspector of Police,
Thiruvattar Police Station,
Kaniyakumari District.
Cr.No.147 of 2021.

... Respondent/Complainant

For Petitioner : Mr.J.Sathiaaraaj,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.147 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The Petitioners/A1, A3 to A5 & A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC in Crime No.147 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have illegally transported the sand from the de-facto complainant's garden, which was questioned by the de-facto complainant, the petitioners along with others attacked the de-facto complainant and also abused him in filthy language. Hence, the complainant.

3.The learned counsel for the petitioners would submit that the petitioners have already filed a petition in CrI.O.P.(MD)No.6737 of 2021 and this Court vide order dated 13.05.2021 has granted anticipatory bail to the petitioners by imposing certain conditions.



He would further submit that due to life threat, they could not able to furnish the sureties and that the extension petition was dismissed by this Court. Therefore, the petitioners are constrained to file the above application.

4.Considering the facts and circumstances of the case and also the fact that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and also taking note of the fact that the petitioners have already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.Accordingly, the petitioners are ordered to be released on bail in the event of their 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 Court No.II, Padmanabhapuram, Kanyakumari, 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19/04/2022

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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.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
PADMANABHAPURAM, KANYAKUMARI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 3 THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION, KANNIYAKUMARI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. SATHIAARAAJ.J. Advocate SR.No.3599

ORDER
IN
CRL OP(MD) No.7206 of 2022
Date :19/04/2022

SS/JM/SAR:I/25.04.2022 : 3P/6C