



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.9813 of 2022

1.Jayakumar
2.Rakesh
3.Arun
4.Anish
5.Ajay

... Petitioners/Accused No.1 to 5

Vs

State rep.by
The Inspector of Police,
Kanniyakumari Police Station,
Kanniyakumari District.
(Crime No.160/2022).

... Respondent/Complainant

For Petitioners : Mr.Sulthan Basha,J. Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.160/2022 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, 148, 294(b), 323, 324, 427, 379 NP and 506(ii) IPC and Section 4 of TNPHW Act, in Crime No.160 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that during the temple festival, there was a wordy quarrel between the petitioners and the defacto complainant, due to which, the petitioners abused the defacto complainant in filthy language and assaulted him and caused injuries. Hence, the complaint.



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

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the injured was discharged from the hospital.

5.Considering the fact that there existed temple dispute between the parties, that the injured was discharged from the hospital and also the fact that the counter case in Crime No.159 of 2022 has been registered against the defacto complainant and party, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.500/- (Rupees Five Hundred Only) each to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate Court, No.I, Nagercoil.

7.On production of such receipt/acknowledgment, 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 Court, No.I, Nagercoil, 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 learned Magistrate concerned and on further conditions that:

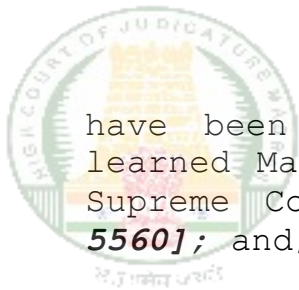
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police weekly twice i.e, on every Saturday and Sunday 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 the 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 petitioner 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/-
15/06/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

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

COPY TO: THE OFFICER INCHARGE,
THE MADURAI BENCH OF MADRAS HIGH COURT
ADVOCATES WELFARE FUND, MADURAI.

+1. CC to M/S.SULTHAN BASHA J Advocate SR.No.5624

ORDER
IN
CRL OP(MD) No.9813 of 2022
Date :15/06/2022