



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16.06.2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.10473 of 2022

1. S.Murari

2. S.Ananth

3. M.Amutha

... Petitioners/Accused 1 to 3

Vs

The State rep.by,
The Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari District.
(Crime No.107 of 2022)

...Respondent/Complainant

For Petitioners: Mr.T.Lajapathi Roy,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.107 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 to A.3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447, 294(b), 427, 323 and 506(2) IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.107 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners trespassed into the property of the de-facto complainant and damaged the wiring pipes, steel rods and wooden logs and when the defacto



complainant tried to stop the first petitioner, the petitioners had attacked her, insulted her in front of the local villagers and also threatened her with dire consequences. Hence, the complaint.

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

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that no one was injured in this case. He would further submit that though the complainant has stated that the damage caused to the property worth about Rs.4,00,000/-, the respondent police stated that the actual damage is worth about Rs.30,000/-.

5.Considering the above facts and circumstances and also considering the fact that no one was injured in this case and also the fact that except the offence under Section 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the credit of Crime No.107 of 2022 on the file of the learned Judicial Magistrate No.III, Nagercoil, without prejudice to their rights and contentions.

7.On such deposit being made, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners 1 and 2 shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation and the third petitioner shall report before the respondent police 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 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]***.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/06/2022

/ TRUE COPY /

27/06/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1.The Judicial Magistrate No.III,
Nagercoil.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.
- 3.The Inspector of Police,
South Thamaraiikulam Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.LAJAPATHI ROY T Advocate SR.No.5678

ORDER
IN
CRL OP(MD) No.10473 of 2022
Date :16/06/2022

RK/SVR/SAR-IV/27.06.2022 : 3P/6C