



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.17399 of 2022

1. Dharmaraj

2. Abilash

3. Anto ... Petitioners/Accused No.1 to 3

Vs

The State Rep. By,
The Inspector of Police,
Plagual Police Station,
Kanyakumari District.

(*)In Cr No.91/2022.

... Respondent/Complainant

For Petitioner : M/s.Micheal Sebastin.B,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail **(*)in Cr No.91/2022** 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 294 (b), 323, 354 and 506(ii) IPC **(*)in Crime No.91 of 2022**, seek anticipatory bail.

2.The case of the prosecution is that due to money dispute the petitioners trespassed into the house of the defacto complainant in the drunken mood with deadly weapons and attacked him and also abused him in filthy language. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

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4.The learned Government Advocate(Crl.Side) would submit that it is a money dispute between the parties and the petitioners are not having any previous. He would further submit that the injured was discharged from the hospital and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was already discharged from the hospital, 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 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, Kuzhithurai, Kanyakumari District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten 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 1st petitioner / A1 shall report before the respondent police daily at 10.30 am until further orders.

(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 registered under Section 229-A IPC.

sd/-
29/09/2022

(*)Amended as per order of this Court dated 02.11.2022 in Crl.MP(MD) No.13082 of 2022 in Crl.OP(MD) No.17399 of 2022.

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/11/2022

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

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 29/09/2022 ALREADY DESPATCHED

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

+1 CC to M/s.B.MICHEAL SEBASTIN, Advocate SR-12396

ORDER
IN
CRL OP(MD) No.17399 of 2022
Date :29/09/2022

trp
USK/SVR/SAR- /10.10.2022/3P/6C
RK/SSS/SAR-4/09.11.2022 3P/6C