



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

Date : 29/09/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.17398 of 2022

1. R.Sathiaruban @ Sathya Ruban
2. R.Siva Bharathi
3. P.Gunasekeran
4. P.Rajasekar @ Rajasekaran ... Petitioners/Accused No.1 to 4

Vs

The State Rep. By,
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
Crime No. 386 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Suresh Kumar.S,
Advocate.

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

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

PRAYER :-

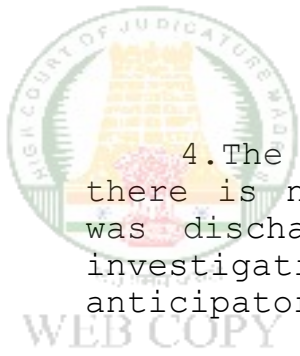
For Anticipatory Bail in Crime No.386 of 2022 on the file
of the respondent Police.

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), 448, 427, 323, 324 and 506(2) IPC in Crime No.386 of 2022,
seek anticipatory bail.

2.The case of the prosecution is that the petitioners
trespassed into house of the defacto complainant with deadly
weapons in the drunken mood and attacked him and also caused damaged
to the windows. 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.



4.The learned Government Advocate(Crl.Side) would submit that there is no previous case against the petitioners and the injured was discharged from the hospital. He would further submit that investigation is still pending and 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 No.II, Nagercoil, 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 petitioners 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 can be registered under Section 229-A IPC.

sd/-

29/09/2022

/ TRUE COPY /

/10/2022

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



TO

1. THE JUDICIAL MAGISTRATE NO.II,
NAGERCOIL, KANYAKUMARI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SURESH KUMAR, Advocate (SR-10764[I] dated
29/09/2022)

ORDER

IN

CRL OP(MD) No.17398 of 2022

Date :29/09/2022

trp

USK/SVR/SAR- /10.10.2022/3P/6C