



WEB COPY



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

Date : 30/09/2022

PRESENT

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

CRL OP (MD) . No.17515 of 2022

1. Ratha Krishnan
2. Manickam
3. Kanthaiya
4. Subbiah
5. Thirumal @ Thanga Thirumal
6. Ponraj
7. Esaki Muthu
8. Viji
9. Mathi Kumar
10. Robert

... Petitioners/Accused
Nos.2 to 11

Vs

State rep.by
The Inspector of Police,
O/o The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
(In Crime No.221/2022).

... Respondent/Complainant

For Petitioners : M/s.Maharaja.M, 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.221/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 447, 294(b), 324, 427, 506(ii) I.P.C, in Crime No.221 of 2022, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that due to civil dispute, on 18.08.2022, the defacto complainant along with his co-worker were on their duties, the accused persons criminally trespassed into the occurrence place and abused, assaulted them and also damaged the vehicle of the defacto complainant. Hence, the complaint.

3. On the side of petitioners, it is stated that the defacto complainant, who is the employee of one Jegatheesan and there was property dispute between said Jegatheesan and Vaigundarajan. In this regard, an official receiver was appointed by this Court and the said property is in the custody of Court Receiver. There was dispute between the parties in this regard. Except Vaigundarajan, all other persons were falsely implicated in this case. Hence, prays to release the petitioners on anticipatory bail.

4. On the side of prosecution, it is stated that the petitioners are not having any bad antecedent at their credit. In this case, due to property dispute, the accused persons tried to grab the property from the possession of Court Receiver, at that time, wordy quarrel arose between the parties. Injured was discharged from the hospital. In this case, investigation is not yet completed and prays to dismiss the petition.

5. Considering the facts and circumstances of the case and nature of property dispute between the parties, that the injured was discharged from the hospital and also considering the fact that the petitioners are not having any previous case at their credit, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and 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 Judicial Magistrate No.III, Nagercoil, 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 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 daily at 10:30 am until further orders;

(c) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required; (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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
30/09/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

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

+1. CC to M/S.MAHARAJA.M Advocate SR.No.10869

ORDER
IN
CRL OP(MD) No.17515 of 2022
Date :30/09/2022

SP/VR/SAR /07/10/2022/3P/6C