



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

Date : 19/10/2022

PRESENT

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

CRL OP(MD). No.18560 of 2022

1. Sri Krishna Perumal

2. Chandra Babu

... Petitioners/Accused Nos.1 and 2

Vs

The State Rep.by
The Inspector of Police,
Kottar Police Station,
Kanyakumari District.
Crime No. 410 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Mark.J.Jackson,
Advocate.

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

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

PRAYER :-

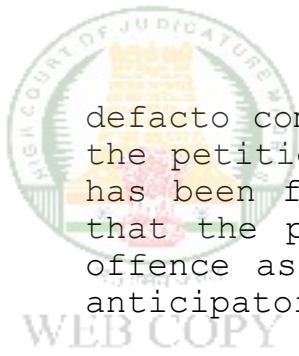
For Anticipatory Bail in Crime No.410 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323 and 506(ii) of IPC, in Crime No.410 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to civil dispute, the petitioners and other accused abused the defacto complainant in filthy language, attacked him with hands and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that there is a civil suit pending between the petitioners and the



defacto complainant. With an intention to defeat the civil : of the petitioners and to grab the petitioner's property, a false case has been foisted against the petitioners. He would further submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that no one sustained injuries in this occurrence and the petitioner is not having any previous case. He would further submit that investigation in this case is not yet completed. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that no one sustained injuries in this occurrence and the petitioners are not having any bad antecedents, 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 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, Valliyoor, 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 a.m., 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/-

19/10/2022

/ TRUE COPY /

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/11/2022

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

CP

TO

1. The Judicial Magistrate,
Valliyoor.
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.MARK.J.JACKSON Advocate SR.No.11686

ORDER

IN

CRL OP(MD) No.18560 of 2022

Date :19/10/2022

RD/SSS/SAR-II (02/11/2022) 3P 6C