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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/11/2022

PRESENT

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

CRL OP(MD) . No.19590 of 2022

1. Pitchi
2. Ancy Benin @ Anchil Benin
3. Packianathan
4. Ponnappan
5. Sheeba

... Petitioners/Accused No.1 to 5

Vs

State rep.by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari,
Kanyakumari District.
(Crime No.490 of 2022).

... Respondent/Complainant

For Petitioners: M/s.Laxman K.R., 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.490 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 148, 294(b), 447, 427, 379(NP) and 506(2) of IPC, in Crime No.490 of 2022, seek anticipatory bail.



at about 07.00 p.m, the petitioners trespassed into the ^{accused} property with deadliest weapons and threatened the defacto complainant in filthy language and damaged the compound wall worth about Rs.50,000/-. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that no one was injured and no previous case is pending against the petitioners. However, he would further submit that the petitioners shall abide any condition imposed by this Court.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that totally 7 accused are involved in this case. The petitioners were arrayed as A1 to A5 and the other two accused are unnamed accused. The petitioners along with other accused damaged the compound wall and iron gate of the property and also damaged the CCTV Camera, which was available in that place. Totally, they caused damage worth about Rs.50,000/-/. The petitioners are having 1 previous case similar in nature and the investigation is not yet completed. 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 it is a civil dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.490 of 2022**, without prejudice to their rights and contentions before the trial Court.

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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Kuzhithurai, 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 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/-

07/11/2022

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/11/2022

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

DSS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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

+1. CC to M/S.LAXMAN K.R. Advocate SR.No.12565

ORDER

IN

CRL OP(MD) No.19590 of 2022

Date : 07/11/2022