



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.20132 of 2022

1. Anu @ Santhosh

2. M.Suman

... Petitioners/Accused 2 & 3

Vs

The State represented by
The Sub Inspector of Police,
Pazhugal Police Station,
Kanyakumari District.
Crime No.264 of 2020..

... Respondent/Complainant

For Petitioner : M/s.Kamesh N,
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.264 of 2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
147, 148, 294(b), 323, 324 and 506(ii) IPC, in Crime No.264 of 2020,
seek anticipatory bail.

2.The case of the prosecution is that when the defacto
complainant proceeding towards his house after selling cloths, the
petitioners along with other accused said to have abused him in
filthy language and attacked him with hand and iron rod and caused
injury to him. 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. He would further submit that the injured
was discharged from the hospital and the co-accused were granted
anticipatory bail by the learned Judicial Magistrate, Kuzhithurai.
Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate(Crl.Side) would submit at the injured was discharged from the hospital and the co-accused were granted anticipatory bail by the learned Judicial Magistrate, Kuzhithurai. However, the investigation is not yet completed, he strongly opposed to grant anticipatory bail to the petitioners.

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5.Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital and the co-accused were released on bail, 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.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 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/-

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/11/2022

Sub-Assistant Registrar (C.S.)
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.
- 3 THE SUB INSPECTOR OF POLICE
PAZHUGAL POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.KAMESH N Advocate SR.No.12930

ORDER
IN
CRL OP(MD) No.20132 of 2022
Date :14/11/2022

SS/VR/SAR /24.11.2022/ 3P/ 6C