



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

Date : 18/11/2022

PRESENT

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

CRL OP(MD) . No.20467 of 2022

1. Manikandan @ Monikandan
2. Muthukrishnan
3. Sreenivasan @ Srinivasan
4. Rahul @ Vairavan
5. Satheesh @ Satheesh Prasad
6. Bose @ Edwin Bose

... Petitioners/Accused 1 to 6

Vs

The State Rep. By,
The Inspector of Police,
Kulasekharam Police Station,
Kanyakumari District.
Crime No.255 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Nelson T,
Advocate.

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

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

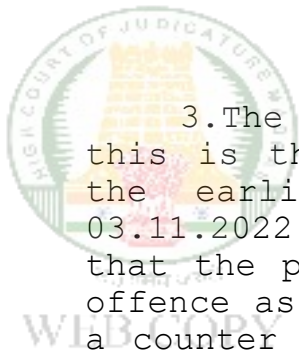
PRAYER :-

For Anticipatory Bail in Crime No.255 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 427, 448, 323 and 506(i) IPC r/w Section 4 of TNPHW Act, in Crime No.255 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 24.10.2022, when the petitioners were bursting crackers in front of the de-facto complainant's house, the same was questioned by the de-facto complainant, the petitioners pushed down the mother of the de-facto complainant and pulled her hand. Hence the complaint.



3.The learned counsel for the petitioners would submit that this is the petitioners' second anticipatory bail application and the earlier application was dismissed by this Court, dated 03.11.2022 in Crl.O.P(MD)No.19436 of 2022. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that a counter case in Crime No.254 of 2022 is pending against the de-facto complainant. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that that the injured was discharged from the hospital and the petitioners' earlier application was dismissed by this Court, dated 03.11.2022 in Crl.O.P(MD)No.19436 of 2022. The petitioners are having no previous case. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail.

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 petitioners are not having any bad antecedents and the counter case in Crime No.254 of 2022 is pending against the de-facto complainant, 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.2, Padmanabhapuram, 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/-
18/11/2022

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/ TRUE COPY /

/11/2022

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

TO

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

+1 CC to M/s.C.R.NIMAL, Advocate (SR-13269[I] dated 18/11/2022)

ORDER
IN
CRL OP(MD) No.20467 of 2022
Date :18/11/2022

sjj
USK/BUC/SAR-III/29.11.2022/3P/6C