



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

Date : 24/11/2022

PRESENT

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

CRL OP(MD). No.20812 of 2022

WEB COPY

1. L.Shabin
2. J.Jibu Jain,
(Wrongly Mentioned as Jibu in FIR)
3. M.Suresh Pious
4. V.Cleetus
5. R.Rajesh Babu
(Wrongly Mentioned as Rejish Babu in FIR)
6. F.Assisi John Sumesh
(Wrongly Mentioned as Ajish John Sumesh in FIR)
7. V.George Bensigar
(Wrongly Mentioned as Bensikar in FIR)
8. Z.Richard
9. S.Shaji
- 10.F.Sumigin Donald
(Wrongly mentioned as Sumijin in FIR)
- 11.S.Sabu
- 12.V.Jamald
- 13.Antony Christin
(Wrongly Mentioned as Chrispin in FIR)
- 14.E.John Bosco
- 15.A.Mathai
(Wrongly Mentioned as Mathew in FIR)

... Petitioners/Accused No.
1 to 8, 10 to 16

Vs

The State Rep. By,
The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari.
(Crime No.182 of 2022).

... Respondent No.1/Complainant

For Petitioners: M/s.T.Seeni Syed Ammam, Advocate for
Mr.Karthik G, 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.182 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 147, 148, 294(b), 447, 427, 323 and 506(2) of IPC, 1860, in Crime No.182 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant purchased a land in S.Nos.2393, 2397 and 2400 to an extent of 10 cents and he erected a fencing in and around the land. On 15.11.2022, at about 04.00 p.m, 15 named accused and 50 unnamed accused including the petitioners herein, came to the place of occurrence and demolished the entire compound wall & Iron Gate worth about Rs.2,50,000/-. When the same was questioned by the defacto complainant, they also abused him in filthy language and attacked him 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 been falsely implicated in this case. He would further submit that the injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that totally 66 accused are involved in this case. Out of which, 16 persons are named accused and 50 persons are unnamed accused. The defacto complainant is the owner of the property. All the accused persons trespassed into the property and damaged the entire Compound Wall, Iron Gate and fencing worth about Rs.2,50,000/-. A1 gave life threat to the defacto complainant and he is having 4 previous cases. The investigation is still pending. Hence, he opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, **each petitioner** shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of Crime No.182 of 2022, without prejudice to their rights and contentions before the trial Court.



7. On production of such receipt, 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 No.II, 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 06.30 p.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/-
24/11/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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.II,
KUZHITHURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
NITHIRAVILAI POLICE STATION,
KANYAKUMARI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.KARTHIK, Advocate (SR-13633[I] dated 24/11/2022)

ORDER
IN
CRL OP(MD) No.20812 of 2022
Date :24/11/2022

dss
USK/SSS/SAR-II/01.12.2022/4P/6C