



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2022

PRESENT

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

CRL OP(MD) . No.20964 of 2022

1. Palam @ R.Arunachalam
2. Thanga Raman
3. Sree Thangam
4. Sritharan
5. Manimekalai

... Petitioners 1 to 5/
Accused Nos.1 to 5

Vs

1. State rep.by
The Inspector of Police,
Ethamozhi Police Station,
Kanyakumari District.
(Crime No.118 of 2022).

... 1st Respondent/Complainant

2. Rajasekar

... 2nd Respondent/Defacto
Complainant

For Petitioners : M/s.Anto Prince G, Advocate.

For 1st 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.118 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 147, 447, 294(b), 427, 324 and 506(ii) of IPC, in Crime No.118 of 2022, seek anticipatory bail.



2.The case of the prosecution is that on 20.11.2022, the defacto complainant/second respondent was in home, at that time, the accused persons trespassed into the land of the defacto complainant and they broke the cement stones, which were kept for construction work. When the same was questioned by the defacto complainant, the accused persons picked up a quarrel and attacked him and also criminally intimidated him. Hence, the complaint.

3. The learned counsel for the petitioners would submit that due to previous dispute, a false case has been foisted against the petitioners and they are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that injured was already discharged from the hospital and a counter case in Crime No.119 of 2022 is pending against the defacto complainant. Hence, the petitioners may be granted anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that it is a case and case in counter and injured has already been discharged from the hospital. However, considering the gravity of the offence and investigation is not yet completed, he strongly opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that injured has already been discharged from the hospital and it is a case and case in counter, 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 No.III, Nagercoil, 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/-
30/11/2022

/ TRUE COPY /

/12/2022

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

cp

TO

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

+1. CC to M/S.ANTO PRINCE G Advocate SR.No.14008

ORDER
IN
CRL OP(MD) No.20964 of 2022
Date :30/11/2022