



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.819 of 2023

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1.Anandakumar
2.Vijayan
3.Gangatharan
4.Suresh

...Petitioners/Accused No.1to4

-vs-

The State represented by
The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
(Cr.No.3 of 2023)

...Respondent/complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.3 of 2023 on the file of the respondent Police.

For Petitioners : Mr.F.Deepak, Advocate.

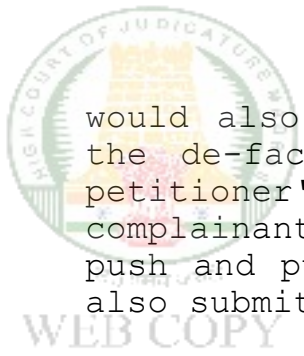
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 323, 324, 506(ii) and 379 of IPC in Crime No.3 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that due to the illicit intimacy between the de-facto complainant and the first petitioner's wife, on 06.01.2023, the petitioners and other accused have abused the de-facto complainant in filthy language and attacked the de-facto complainant with iron rod resulting in him sustaining injuries. The further allegation is that the first petitioner has also snatched 3.5 sovereigns of gold chain from the de-facto complainant and a cash of Rs.15,000/-. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He



would also submit there was a quarrel between the petitioner and the de-facto complainant on account of suspicion that the first petitioner's wife was having illicit intimacy with the de-facto complainant and during such time, there was ruckus and there was a push and pull and other than that, nothing had happened. He would also submit that the injured has been discharged from hospital.

4.The learned Government Advocate (crl.side) would submit that due to the illicit intimacy between the first petitioner's wife and the de-facto complainant, the petitioners and other accused have abused the de-facto complainant in filthy language and also attacked him with iron rod and snatched 3.5 sovereigns of gold chain and a sum of Rs.15,000/-, from the de-facto complainant. He would oppose for grant of anticipatory bail to the petitioners.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-III Court, Nagercoil, Kanyakumari District, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

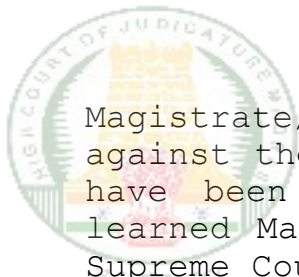
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders. The petitioners 2 to 4 shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter, as and when required on issuance of summons.

[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.

<https://www.mhc.tn.gov.in/judis> 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]**.

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/01/2023

/ TRUE COPY /

/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR

TO

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

+1. CC to M/S.DEEPAK F Advocate SR.No.683(I)

ORDER
IN
CRL OP(MD) No.819 of 2023
Date :12/01/2023

VA/MMS/SAR-I/25.01.2023/3P/6C

<https://www.mhc.tn.gov.in/judis>