



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

Date : 15/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.2221 of 2023

1. Pitchi
2. Ancy Benin @ Anchil Benin
3. Packianathan
4. Ponnappan
5. Sheeba

... Petitioners/Accused Nos.1 to 5

Vs

The State through,
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No.490 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Laxman K.R.,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.490 of 2022 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 148, 294(b), 447, 427, 379(NP) and 506(ii) IPC, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there is a civil dispute between the petitioners and the defacto complainant. Due to which, the petitioners / accused Nos.1 to 5 alleged to have damaged the compound wall and CCTVs and stolen the steel gate. On seeing the same, when the defacto complainant questioned the same, all the accused persons threatened the defacto complainant. Hence, the complaint.



3. Heard both sides and perused the materials available on record.

4. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks 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 common sureties 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 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 petitioners shall report before the respondent police as and when required for interrogation;

(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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/03/2023

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

MYR

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TO

1. The Judicial Magistrate No.I,
Kuzhithurai.

2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.LAXMAN K.R., Advocate (SR-4417[I] dated 16/03/2023)

ORDER

IN

CRL OP(MD) No.2221 of 2023

Date : 15/03/2023

NA/BUC/SAR-I/21.03.2023/3P/6C