



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2023

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PRESENT

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

CRL OP(MD) . Nos.4804 and 4807 of 2023

1. Beni @ Jeba Lenish,
2. Nithin,
3. Jerson @ Sahaya Jerson Flywin,
4. Melan @ Vinil Yesu Milan,
5. Romaro,
6. Seran @ Cheran,

... Petitioners/Accused No.6 to 11
in Crl.O.P(MD) No.4804 of 2023

1. Alice,
2. Jose,
3. Infant,
4. Micheal Nayagam,
5. Keni @ Jeba Kenish,

... Petitioners/Accused No.1 to 5
in Crl.O.P(MD) No.4807 of 2023

Vs

The Inspector of Police,
Koodankulam Marine Police Station,
Thirunelveli District.
(Crime No.5/2023).

... Respondents/Complainants in both petitions
(In both petitions)

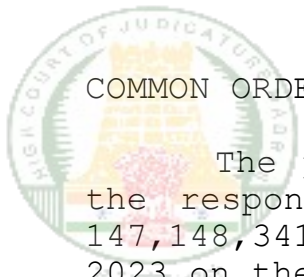
For Petitioners : M/s.Krishna Sreethar.M,
Advocate.

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

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

COMMON PRAYER :-

For Anticipatory Bail in Cr No.5/2023 on the file of the
respondent police.



COMMON 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 sections 147, 148, 341, 294(b), 427, 324, 307 and 506(ii) of IPC in Crime No. 05 of 2023 on the file of the respondent police, seek anticipatory bail.

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2. The case of the prosecution as per the de-facto complainant is that when the defacto complainant was returning from fishing they saw the accused persons fishing in a power boat, When the defacto complainant and his men enquired about the same, there arose a wordy quarrel and the petitioners herein dashed against the defacto complainant boat and caused injuries on the defacto complainant, hence the case

3. Heard both side and perused the materials available on record including the First Information Report.

4. Taking into consideration of the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital, 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Radhapuram, Tirunelveli District, 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 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 petitioners shall jointly pay a sum of Rs.50000/- to the defacto complainant directly and on such payment being made the learned Judicial Magistrate shall accept the sureties furnished by the petitioner.

[c] the petitioners shall report before the respondent Police, daily at 10.30 a.m. and 5.30 pm.,, for a period of four weeks and thereafter as and when required for interrogation

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.



[e] the petitioners shall not abscond either during investigation or trial.

[f] 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].

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

sd/-
15/03/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
RADHAPURAM, TIRUNELVELI DISTRICT.
- 2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KODANKULAM MARINE POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.G.KANNAN Advocate SR.No.4373, DT.16/03/2023

ORDER
IN
CRL OP(MD) . Nos.4804 and
4807 of 2023
Date :15/03/2023

SI/BUC/SAR-3/(21.03.2023) 3P/ 6C