



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

Date : 17.03.2023

PRESENT

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

CRL OP(MD)No.5123 of 2023

1.R.Gershom
2.C.Rejin
3.E.Elvin Vijoye
4.K.Sajin
5.S.Subesh
6.G.Mohandhas

... Petitioners / Accused No.1 to 6

Vs

The State of Tamil Nadu
Represented by the Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime.No.97/23)

... Respondent / Complainant

For Petitioners : Mr.N.Dilipkumar, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.97 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 427, 324, 323 IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.97 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are members and office bearers of Kamarajar Youth Welfare Association and their office is situated near the house of the defacto complainant. Therefore, there was a wordy quarrel arose between them and due to the same, the petitioners abused the defacto complainant in filthy language, criminally intimidated him, caused damage to his mobile



phone and also humiliated his mother. Hence the case.

3. Heard and perused the materials available in the records.

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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Valliyoor on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties (common 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 petitioners shall report before the respondent Police, daily at 10.30 A.M., for a period of two weeks and thereafter, 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].

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

sd/-

17/03/2023

/ TRUE COPY /

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



To

1.The Judicial Magistrate No.I,
Valliyoor.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Sub-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.N.DILIP KUMAR, Advocate (SR-4587[I] dated 20/03/2023)

ORDER

IN

CRL OP(MD) No.5123 of 2023

Date :17/03/2023

ED/CG/SAR-2 (21/03/2023) 3P 6C