



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.05.2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No. 8589 of 2023

1.Suresh @ Suresh Preman Stella Shajin
2.Stella Thangam
3.Sanjeev P.S.Kumar
4.Vijaya @ Vinila Gladys ... Petitioners/Accused Rank Unknown

Vs.

State rep. By
The Inspector of Police,
Kollancode Police Station,
Kanniyakumari District.
(Crime No.53 of 2023)

... Respondent/Complainant

For Petitioners : Mr.G.Anto Prince, Advocate
For Respondent : Mr.M.Muthumanickam
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.53 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 341, 294(b), 323 and 506(i) IPC in Crime No.53 of 2023, seek anticipatory bail.

2.The allegation against the petitioners is that due to matrimonial dispute, the petitioners have attacked the defacto complainant and also abused her in filthy language and threatened him with dire consequences. A case in Crime No.53 of 2023, was registered against the petitioners.

3.On the side of the petitioners, it is stated that due to matrimonial dispute, a false case was registered against the petitioners and prayed the petitioners to be released on anticipatory bail.



4.The learned counsel for the intervenor submitted that when the defacto complainant came to the house of the petitioners to take back the jewels, she was attacked by them and caused injuries to her.

5.On the side of the prosecution, it is stated that the petitioner 1st petitioner is the husband of the defacto complainant and others are in-laws. The injured was discharged from the hospital.

6.Considering the nature of the offence and considering the fact that the injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions.

7.Accordingly, this petition is allowed and the petitioners 2 to 4 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.II, Kuzhithurai, Kanyakumari District, on condition that the petitioners 2 to 4 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 2 to 4 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 2 to 4 shall report before the respondent police daily at 10.30 am for a period of 4 weeks and thereafter, as and when required;

(c) the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 4 shall be present before the Court on hearing dates and before the respondent police as and when required;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 2 to 4 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 absconds, a fresh FII registered under Section 229-A IPC.

Considering the nature of allegations made against the first petitioner, this Criminal Original Petition is dismissed as against the 1st petitioner.

sd/-

04/05/2023

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/05/2023

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

trp

TO

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

ORDER

IN

CRL OP(MD) No.8589 of 2023

Date :04/05/2023

RS/BUC/SAR-3(10.05.2023) 3P 5C