



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/05/2023
PRESENT

WEB COPY

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8907 of 2023

1.Amaladhas @ Amirthadhas

2.Amalan

3.Kirbin Jose @ Kirivin

4.Sahayavictor ... Petitioners/Accused No.1,2,4&6

Vs

The Inspector of Police,
Asaripallam Police Station,
Kanniyakumari District.
(In Crime No.35 of 2023)

... Respondent/Complainant

For Petitioners: Mr.A.Balakrishnan, Advocate

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

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

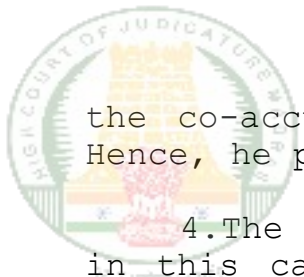
PRAYER :- For Anticipatory Bail in Crime No.35 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 323 and 506(i) of IPC, in Crime No.35 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioners and the defacto complainant regarding the Church affair, on 08.04.2023 at about 07.00 p.m, the accused persons said to have abused and assaulted the defacto complainant and also threatened with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that



the co-accused have already been released on bail by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that in this case totally 6 accused are involved. The petitioners are arrayed as A1, A2, A4 & A6. Due to previous enmity, the accused persons said to have abused and assaulted the defacto complainant. However, he fairly conceded that the co-accused were already released on bail by this Court.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused were already released on bail by this Court, 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 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.I, Nagercoil, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only), common surety** for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police twice in a week i.e., on every Sunday and Tuesday at 10.30 am., for a period of three months and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with the 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/05/2023

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/ TRUE COPY /

/05/2023

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

DSS

TO

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

+1. CC to M/S.BALAKRISHNAN.A Advocate SR.No.7545 (I) Dt.18/05/2023

ORDER

IN

CRL OP(MD) No.8907 of 2023

Date :17/05/2023

SA/CG/SAR. /23.05.2023/3P/6C