



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

Date : 07.06.2023

WEB COPY

PRESENT

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

CRL OP(MD)No.9789 of 2023

1.Mohan
2.Vaigundamani
3 ***Suyampulingam @Suyambulingesan** ... Petitioners /
Accused No.1 to 3

Vs

State
The Inspector of Police,
Suchindaram Police Station,
Kanyakumari District.
(Crime No.134 of 2023) ... Respondent / Complainant

For Petitioners : Mr.KA.Raamakrishnan, 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.134 of 2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
147, 447, 294(b), 323, 324, 506(i) IPC and Section 4 of TNPHW Act in
Crime No.134 of 2023, seek anticipatory bail.

2.The case of the prosecution is that there was previous enmity
between the petitioners and the defacto complainant. Due to the
same, the petitioners abused the defacto complainant and his wife in
filthy language. Hence the case.

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



4. Considering the facts and circumstances of the case, the 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 III, Nagercoil, Kanyakumari 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 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/-

07/06/2023

**(*)Amended as per order of this Hon'ble
Court in CRL MP(MD).9080/2023 in CRL OP
(MD).9789/2023 dated 27.06.2023**

/ TRUE COPY /

/07/2023

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



TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 07.06.2023

To

1.The Judicial Magistrate No.III,
Nagercoil, Kanyakumari District.

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

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

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

+1 CC to M/s.KA.RAAMA KRISHNAN, Advocate (SR-8401[I] dated
09/06/2023)

ORDER

IN

CRL OP(MD) No.9789 of 2023

Date :07/06/2023

ED/BUC/SAR- (14/06/2023) 3P 6C
DL/(06.07.2023)/ 3P/6C