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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

" CRL OP(MD). Nos.15486, 15487 and 15488 of 2023

(*)

Satheesh Prabhu

... Petitioner/ Accused

in Crl.O.P.(MD)Nos.15486 and 15487 of 2023

1.Santheeph Babu

2. Lenin

3.Vijesh

4.Rejish @ Bright Reginold Raja Rajarethinam

... Petitioners / Accused 2 to 5

in Crl.O.P.(MD)Nos.15488 of 2023

Vs

The Inspector of Police,
Eraniel Police Station, Kanyakumari District.
(Crime No.295/2023).

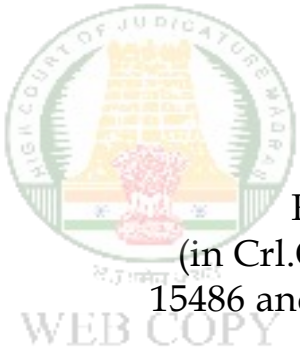
... Respondent/ Complainant

in Crl.O.P.(MD)Nos.15486 of 2023

The Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District.
(Crime No.62 /2023).

... Respondent/ Complainant

in Crl.O.P.(MD)Nos.15487 and 15488 of 2023



For Petitioner : A.Robinson,
(in CrI.O.P.(MD)Nos. Advocate.
15486 and 15487 of 2023)

For Petitioners : M.Mohamed Riyaz
(in CrI.O.P.(MD)No.
15488 of 2023)

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (CrI.Side)
(in all petitions) "

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

PRAYER :-

For Anticipatory Bail in Crime Nos.295 and 62 /2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused apprehends arrest at the hands of the respondent police for the offences under Sections 447, 294(b), 427 and 506(ii) of IPC in Crime No.295 of 2023, and for the offences under Sections 147, 448, 294(b) and 506(i) of IPC in Crime No.62 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 27.06.2023, the petitioner and his friends came to the defacto complainant's Tea shop and had Tea. When the defacto complainant asked for money, wordy quarrel arose between them. Thereafter, the petitioner trespassed into the defacto complainant's house at 9.45 p.m., abused the



defacto complainant in filthy language and threatened him with dire consequences.

The petitioner has also damaged the shop articles worth about Rs.25,000/-. Hence the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent, they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution.

4. Learned Government Advocate (Crl.side) would submit that the earlier case was registered against the petitioner and that matter has been listed today. The learned Government Advocate (Crl.side) has produced a copy of FIR in Crime No.430 of 2022.

5. Learned counsel for the petitioner would submit that the complainant in the matter is a childhood friend of the first petitioner. Over a wordy quarrel between them, the case was registered. Seeking quashment of the FIR, a petition is pending before this Court in Crl.O.P(MD)No.12950 of 2022, wherein interim stay was also granted by this Court.

6. Eventhough earlier application for anticipatory bail was dismissed by this Court, on the ground that the petitioners caused damage to the defacto complainant's shop, they are ready to deposit the cost of damage.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before



the trial Court to the credit of Crime No.295 of 2023. The defacto complainant is permitted to withdraw the amount without waiting for the result of the investigation or the trial, as the case may be.

8. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, on condition that the petitioner 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioners shall comply with the condition stipulated under Section 438 of Cr.P.C., scrupulously.

9. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
07/09/2023

(*)being mentioned as per order of
the Hon'ble Court dated 26.09.2023
in CRL OP(MD). Nos.15486, 15487 and 15488 of 2023
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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To

1. The Judicial Magistrate No.II, Nagercoil, Kanyakumari District.
2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District.
3. The Inspector of Police, Eraniel Police Station, Kanyakumari
District.
4. The Inspector of Police, Nesamony Nagar Police Station,
Kanyakumari District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.ROBINSON, Advocate (SR-13389[I] dated 08/09/2023)

+1 CC to M/s.A.ROBINSON, Advocate (SR-13388[I] dated 08/09/2023)

+1 CC to M/s.M.MOHAMED RIYAZ, Advocate (SR-13387[I] dated 08/09/2023)

ORDER

IN

CRL OP(MD) No.15486 of 2023

Date :07/09/2023

SSA/DD/09.10.2023/5P/7C

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SSA/DD/09.10.2023/5P/9C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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