



CRL OP(MD). No.20450 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.20450 of 2023

1. Johnrose

2. Thangaretnam

3. Vasanthal

4. Marystellal

5. Vijayakumar

... Petitioners/ Accused No.1 to 5

Vs

The State rep.by,
The Inspector of Police,
Mandaikadu Police Station,
Kanyakumari District.
Crime No.48/2023..

... Respondent/Complainant

For Petitioner : C. Sankar Prakash,
Advocate.

For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)



CRL OP(MD). No.20450 of 2023

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

WEB COPY

PRAYER :-

For Anticipatory Bail in Crime No.48/2023 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 147, 294(b), 353 and 506(ii) IPC, in Crime No.48 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to property dispute, the petitioners herein have assaulted the defacto complainant and also abused him in filthy language. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and he prays for granting anticipatory bail.



CRL OP(MD). No.20450 of 2023

WEB COPY

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that that due to property dispute, the petitioners herein have attacked the defacto complainant and now, the injured was discharged from the hospital and there is no previous case pending against the petitioners. He further contended that the investigation of the case is pending and hence, strongly objected to granted bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and that the injured was discharged from the hospital and that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, 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 learned Magistrate concerned and on further conditions that:



CRL OP(MD). No.20450 of 2023

WEB COPY

[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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of 15 days 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 is 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].



CRL OP(MD). No.20450 of 2023

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

sd/-
10/11/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.

3.THE INSPECTOR OF POLICE,
MANDAIKADU POLICE STATION, KANYAKUMARI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SANKAR PRAKASH, Advocate (SR-16204[I] dated 10/11/2023)

ORDER
IN
CRL OP(MD) No.20450 of 2023
Date :10/11/2023

RK /DD(21/11/2023) 5P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023

<https://www.mhc.tn.gov.in/judis>