



CRL OP(MD) No.4596 of 2024

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

Friday, the Twenty Second day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4596 of 2024

1 JAMES

2 SULOCHANA @ SULOCHANA BAI

3 ANGEL ESTHER RANI

4 SUJA

... PETITIONERS / ACCUSED No.1 TO 4

Vs

THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.163/2024.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.BRIJESH KISHORE.B, Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.163/2024 ON THE FILE OF THE
RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 147, 448, 294(b), 427 and 506(ii) of IPC, in Crime No.163 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the third petitioner married the son of the defacto complainant and due to misunderstanding, they have seperated and divorce case is also pending before the concerned Court. On such circumstances, on 05.03.2024 at about 9.55 a.m., the accused persons scolded the defacto complainant and her wife using filthy language and threatened him and also pelted stones on the window and broken the glass of the same and thereby caused damage to the tune of Rs.3,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. There were several attempts made by the petitioners for reunion of the defacto complainant's son with the third petitioner. When the third petitioner knocked the side window of the house, defacto



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complainant Arulselvam broken the window glass with a stick and broken glass pieces made injury to the third petitioner's right hand wrist. So that, the third petitioner was taking treatment as inpatient on 05.03.2024 and made a complaint before the respondent Police, however, no action has been taken as against the defacto complainant. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that there is no one injured in this case. Hence, he has no objection to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that there is no injured in this case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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, Padmanabhapuram, Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees



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Ten Thousand Only) each, with two common 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 and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks, thereafter, as and when required;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;



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(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
22/03/2024

/ TRUE COPY /

/04/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO

- 1 THE JUDICIAL MAGISTRATE,
PADMANABHAPURAM, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-3561[I] dated 22/03/2024)

ORDER
IN
CRL OP(MD) No.4596 of 2024
Date :22/03/2024

SS/VR/SAR- /10/04/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023