



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

Date : 23/03/2020

PRESENT

The Hon'ble MR.Justice RMT.TEEKAA RAMAN

CRL OP(MD) . No.5041 of 2020

S.Mohan Raj

... Petitioner/Accused

Vs

State of Tamil Nadu, Rep. by
The Sub-Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime No.110 of 2020)

... Respondent/Complainant

For Petitioner : Mr.J.John Jayakumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side).

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

PRAYER :-

for Anticipatory bail in Crime No.110 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offence punishable under sections 427,294 (b),506(i) of I.P.C., in Crime No.110 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 15.03.2020 at about 10.00 a.m., the buffaloes of the accused entered into the garden of the de-facto complainant, Soosaimicheal Raj and Maria Amaladhasan and caused damage to the plantains cultivated there and the damage is assessed more than Rs.65,000/-. When the de-facto complainant



asked the accused with regard to the damage caused by his buffaloes, he abused him by uttering obscene words and intimidated him by showing the Aruval and Stick.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned Government Advocate (Crl. side) appearing for the respondent would submit that at the instigation of the petitioner, the buffaloes have been released into the garden of the de-facto complainant, thereby caused damage to the tune of Rs.65,000/-.

5. The learned counsel for the petitioner would submit that the petitioner is an innocent and nothing was happened as stated in the FIR. He would further submit that, due to the previous enmity, the present case is falsely foisted against the petitioner.

6. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Eraniel and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner is directed to deposit a sum of Rs.60,000/- (Rupees Sixty Thousand only) to the credit of Crime No.110 of 2020 registered on the file of the respondent before the learned Judicial Magistrate, Eraniel, at the time of furnishing sureties. The Petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of three days and thereafter as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

7. The petitioner shall appear before the concerned Magistrate on or before 27.04.2020, failing which, the petition for anticipatory bail shall stand dismissed. In view of the medical alert announced by the State Government, I am inclined to grant time for furnishing sureties as stated above.

sd/-
23/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

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

+1 CC to M/s.J.JOHN JAYAKUMAR, Advocate (SR-5657[I] dated
23/03/2020)

ORDER
IN
CRL OP(MD) No.5041 of 2020
Date :23/03/2020

PKN
TE/JC/SAR-III : 24/03/2020 : 3P/6C