



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

Date : 23/06/2020

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PRESENT

The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD). No.6355 of 2020

RAJAPPAN

... PETITIONER/ACCUSED NO.3

VS

STATE REP. BY

THE INSPECTOR OF POLICE,
KEERIPARAI POLICE STATION,
KANYAKUMARI DISTRICT.

(IN CRIME NO.63 OF 2020)

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.Jenifar Bibin, Advocate

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.63 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323, 324, 307, 506(ii) of IPC., in Crime No.63 of 2020, on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that due to civil dispute, the petitioner attacked the defacto complainant with aruval and stick and hence, he suffered injuries and also threatened him with dire consequences. Hence, the complaint.



4.The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent and he has been falsely implicated in the above said case.

5.The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner with certain conditions:-

(i) Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Boothapandi 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;

(ii) The petitioner shall appear before the respondent police daily at 10.00 a.m for a period of two weeks and thereafter, as and when required for interrogation.

(iii) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

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

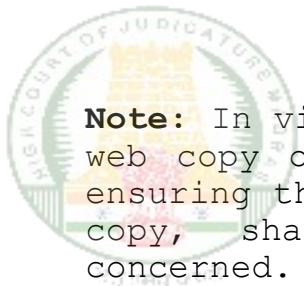
7.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

8.The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
23/06/2020

/ TRUE COPY /

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



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilised for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

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

ORDER
IN
CRL OP(MD) No.6355 of 2020
Date :23/06/2020

CP
JM/PN/SAR 2/25.06.2020/3P/5C