



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7112 of 2020

S.Jayakumar

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Cr.No. 531 of 2020.

... Respondent/Complainant

For Petitioner : M/s K.Ramanathan,
Advocate.

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

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

PRAYER :-

To Anticipatory Bail in Cr.No. 531 of 2020 on the file of the respondent police.

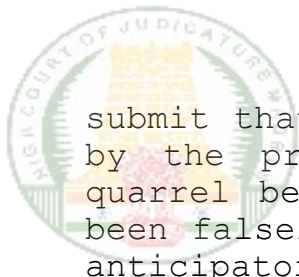
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal Side) 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 & 506(ii) of I.P.C., in Crime No. 531 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that a quarrel between the defacto complainant and the petitioner regarding parking of two wheeler. In that quarrel the petitioner said to have attacked the defacto complainant and caused injuries and also threatened him with dire consequences.

<https://hcservices.courts.gov.in/hcservices/> 4. The learned counsel appearing for the petitioner would



submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that due to wordy quarrel between the petitioner and the defacto complainant he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

WEB COPY

5. The learned Government Advocate (criminal side) would submit that this is a case in counter and now both the cases are pending. He would further submit that the injured has been discharged from the Hospital.

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

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the Judicial Magistrate, Eraniel, Kanyakumari District, and on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

[a] the petitioner shall report before the respondent police an on when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

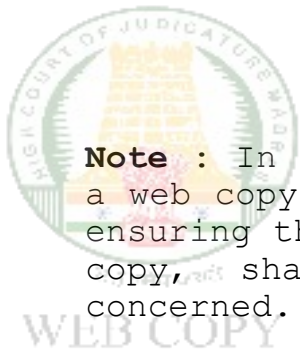
[e] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
16/07/2020

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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 utilized 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.

TO

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

ORDER
IN
CRL OP(MD) No.7112 of 2020
Date :16/07/2020

KSA
SRS/ JC/ SAR-II/ 17.07.2020/ 3P/5C