



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10127 of 2020

Dineshkumar

... Petitioner/Accused
No.2

Vs

The State rep.by
The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
Crime No.536 of 2020.

... Respondent/Complainant

For Petitioner : M/s.C.Susi Kumar,
Advocate.

For Respondent : M/S.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

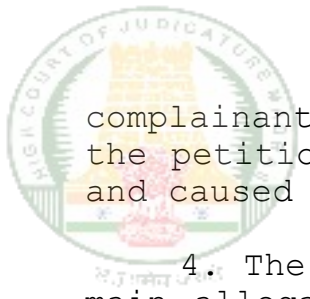
For Anticipatory Bail in Crime No.536 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2 who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections
447,294(b), 427, 506(ii) of IPC r/w Section 4 of TNPHW Act seeks
anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that earlier there was a
quarrel between A1 the husband of the defacto complainant and the
defacto complainant in this case and the defacto complainant is
living in her parental home. On the date of occurrence the
petitioner along with A1 went to the house of the defacto



complainant and at that time there was a wordy quarrel, in which the petitioner herein said to have attacked the defacto complainant and caused damage to the two wheeler and house. Hence the complaint.

4. The learned counsel for the petitioner would submit that the main allegations are against A1 only and the petitioner herein is falsely implicated in this case.

5. The learned Government Advocate(Crl.Side) would submit that the petitioner herein is brother of A1 and they both damaged the house and two wheeler of the defacto complainant. He would also submit that A1 in this was arrested and released on bail.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that main allegations are against A1 and he was arrested and released on bail, this Court is 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 his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate cum Additional Mahila Court, Nagercoil on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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

(b)the petitioner shall report before the respondent police as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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 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;



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

sd/-
23/09/2020

WEB COPY

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

ORDER
IN
CRL OP(MD) No.10127 of 2020
Date : 23/09/2020

AAV
TK/PN/SAR.2/25.09.2020/3P/5C