



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

Date : 19/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.566 of 2021

Dilip @ Dilipkumar

... Petitioner/Accused No.5

Vs

State rep.by,
The Inspector of Police,
Aralvaimozhi Police Station,
In Cr No.647/2020,
Kanyakumari District.

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.647 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

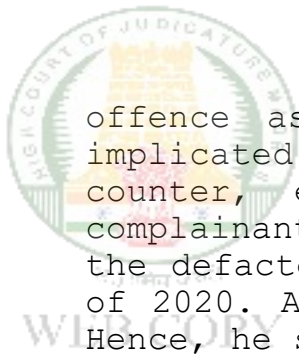
The petitioner, who are arrayed as A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 294(b), 323, 324 and 506(ii) I.P.C. r/w. Section 4 of Woman Harassment Act, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the petitioner and other accused and the defacto complainant, the petitioner and other accused said to have attacked her and caused injuries. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioner.

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

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any

<https://hcservices.ecourts.gov.in/hcservices/>



offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that it is a case in counter, earlier the petitioner were attacked by the defacto complainant and hence, the petitioner has given a complaint against the defacto complainant and the same was registered in Crime No.642 of 2020. As a counter blast, the present complaint has been filed. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that co-accused in this case were already granted anticipatory bail in Crl.M.P.No.71 of 2021 on the file of the Principal Sessions Judge, Kanyakumari and it is a case in counter. He further submitted that the injured person has already been discharged from the hospital.

6.Considering the facts and circumstances of the case and also considering the fact that it is a case in counter and injured person has already been discharged from the hospital, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Boothapandi, on condition that the petitioner shall execute 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 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

<https://hccservicescourts.gov.in/Kcse/Case/> **Govt. P. K. Saji Vs. State of Kerala [(2005) AIR SCW 5560]; and;**



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

sd/-
19/01/2021

WEB COPY

/ TRUE COPY /

/ /2021

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

ORDER
IN
CRL OP(MD) No.566 of 2021
Date :19/01/2021

LS
PK/KV/SAR-III/25.01.2021 : 3P/5C