



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

Date : 10/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3734 of 2021

Pratheesh

... Petitioner/Accused No.7

Vs

State Rep.by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Crime No.10 of 2019.

... Respondent/Complainant

For Petitioner : Mr.C.Mayilvahana Rajendran,
Advocate.

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

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

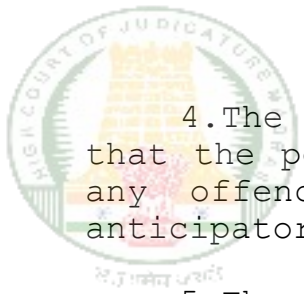
PRAYER :- For Anticipatory Bail in Crime No.10 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A7, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 307, 324 and 506(ii) of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992, in Crime No.10 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, there was a wordy quarrel between the petitioner and the defacto complainant, in which, the petitioner and others were said to have abused the defacto complainant by using filthy language and also assaulted him with deadly weapons and caused damage to his two wheeler. Hence, the present complaint.

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 person and he has not committed any offence as alleged by the prosecution. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the investigation has been completed and absconding charge sheet has been filed in P.R.C.No.60 of 2020 before the learned Judicial Magistrate, Eraniel, for the offence under Sections 326, 427, 149, 307, 324, 506(ii), 147, 148 and 294(b) of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992.

6.On perusal of the materials available on records, it is seen the petitioner's name does not found in the FIR and the petitioner was not arrested. Earlier, no summon was sent to the petitioner. During the enquiry, the petitioner has not known about the pendency of the above case. It is also seen that the petitioner has been arrayed as accused, only based on the confession of co-accused. The investigation has been completed and absconding charge sheet has been filed in P.R.C.No.60 of 2020 before the learned Judicial Magistrate, Eraniel, for the offence under Sections 326, 427, 149, 307, 324, 506(ii), 147, 148 and 294(b) of IPC and Section 3(1) of Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992.

7.In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.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, Eraniel, 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 appear before the trial Court on all hearing dates without fail.

(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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/03/2021

/ 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, ERANIEL.
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.

+1 CC to M/s.C.MAYILVAHANA RAJENDRAN, Advocate (SR-1970[I] dated 10/03/2021)

ORDER
IN
CRL OP(MD) No.3734 of 2021
Date :10/03/2021

VSG

<https://hmcwebportal.gov.in/hcservices> MS/EN/GR/DO/17/03.2021/3P.6C