



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

Date : 02/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7750 of 2021

Rajesh @ Ravikiran

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
(*)Thiruvattar Police Station
Kanyakumari District.

Crime No.162 of 2021.

... Respondent/Complainant

**(*) (Amended as per order of this Court dated 02.07.2021 in CrI.M.P
(MD) No.4503 of 2021 in CRL OP(MD). No.7750 of 2021)**

For Petitioner : M/s.R.Papa,
Advocate.

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

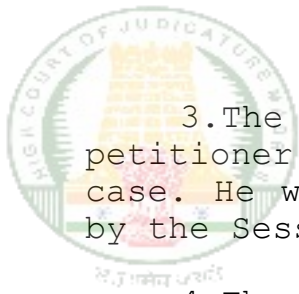
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.162 of 2021 on the file
of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who apprehends arrest at the hands
of the respondent police for the alleged offences punishable under
Sections 294(b), 452, 341, 427, 323 and 506(ii) of IPC, in Crime No.162
of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there is a civil suit
pending in O.S.No.62 of 2021 between the son of the defacto
complainant and the third accused. Due to enmity on 05.05.2021 at
about 6.30 hrs, the accused came with weapon and scolded the defacto
complainant in filthy language and also damaged the compound wall.
When the defacto complainant tried to run from there she was beaten
by A1 and A2 followed by A3 and A4. They also criminally
intimidated the defacto complainant and others. The value of the
damage caused is about Rs.50,000/-, therefore the case came to be
registered.



3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that A1, A3 and A4 were granted bail by the Sessions Court.

4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is pending. However he fairly concedes that the injured has been discharged from the hospital.

5.Considering the fact that there was a civil dispute pending between the son of the defacto complainant and the third accused and as a sequel to that dispute this incident had happened and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II. Thakalai 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 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, daily at 10.30 a.m., until further orders;

[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]**;



[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/07/2021

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WEB 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 NO.II, THAKALAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7750 of 2021
Date :02/07/2021

AAV
MS/PN/SAR-1/06.07.2021/3P.5C