



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

Date : 07/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.11972 of 2021

WEB COPY

Karthick @ Vinoth

... Petitioner/Sole Accused

Vs

The State rep by
The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
Crime No. 370 of 2021.

... Respondent/Complainant

For Petitioner : Mr.Mani Anandh.P,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.370 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 offence punishable under
Sections 294(b), 324, 506(ii) and 379(NH) IPC, in Crime No.370 of
2021, seeks anticipatory bail.

2.The case of the prosecution is that on 02.08.2021, at about
6.30 p.m., while the defacto complainant, after completing his work,
was returning to his house on his bike, to attend natural call, he
parked his bike near the burial ground, at that time, the petitioner
kicked his bike. When the same was questioned by the defacto
complainant, the petitioner abused him in filthy language and
assaulted him. He also snatched a sum of Rs.3,750/- from the
defacto complainant.

3.The learned counsel for the petitioner submitted that the
petitioner and the defacto complainant are close friends. The
petitioner is a Diploma-holder in Mechanical Engineering and
therefore, there is no necessity for him to snatch the amount from
the defacto complainant. He further submitted that on the date of
occurrence, the defacto complainant made filthy statement as against
the petitioner's aunt. When the petitioner questioned the same,



the defacto complainant assaulted him. Further, he himself lost the above money near Aaraikulam, Burial Ground. In order to escape from the clutches of law, he lodged the false complaint.

4. The learned Government Advocate (Crl.side) for the respondent, on instructions, submitted that the petitioner is not having any previous case.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and the fact that the petitioner is not having any previous case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Original Petition is allowed. The petitioner is directed 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.V, Tirunelveli, on condition that he 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 learned Magistrate concerned and on further conditions 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

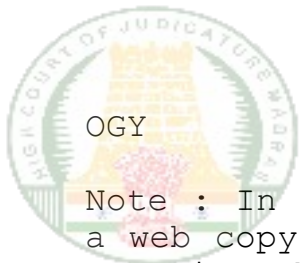
Sd/-

07/09/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



OGY

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.V,
TIRUNELVELI.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 3. THE INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.P.MANI ANANDH, Advocate (SR-6048[I] dated 07/09/2021)

ORDER
IN
CRL OP(MD) No.11972 of 2021
Date : 07/09/2021

MS/VB/VR/SAR.I/14.09.2021/3P/6C