



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/10/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14369 of 2021

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... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Crime No.309 of 2021).

... Respondent/Complainant

For Petitioner : Mr.P.SARAVANAKUMAR,
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.309 of 2021 on the file of the respondent of police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 307, 506(ii) of IPC in Crime No.309 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 13.08.2021, due to huge loss in the business, the petitioner was in mental depression and he assaulted his wife and son. When the same was questioned by the petitioner's mother and his sister/defacto complainant, they were also assaulted. Therefore, the present case came to be registered.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Due to heavy loss in the business, he was mentally depressed. He further submitted that the wife of the petitioner and his mother, the defacto complainant have filed sworn affidavits



stating that they have no objection for grant of anticipatory bail to the petitioner, which are enclosed in the typed set of papers.

4. Heard the learned Government Advocate(Crl.side) appearing for the respondent police.

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5. It appears that this is the second application for anticipatory bail. The earlier anticipatory bail application was dismissed on 07.09.2021 by this Court on the ground that the nature of allegations levelled against the petitioner appears to be serious. However, considering the submissions made by the learned counsel for the petitioner that the petitioner was mentally depressed, this Court directed the learned Government Advocate to ascertain the same. After verification, the learned Government Advocate produced the Treatment Certificate and submitted that the petitioner is in mental disorder.

6. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, and also the fact that the wife of the petitioner, his mother and the defacto complainant have also filed an affidavit stating that they have no objection for grant of anticipatory bail to the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this criminal original petition is allowed and 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, Eraniel, 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 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 Aadhaar 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 the 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/-
05/10/2021

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/ /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,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.14369 of 2021
Date :05/10/2021

SA/VR/SAR.4/11.10.2021/3P/5C