



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14993 of 2021

Jany @ Charles Janny

... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
Asairpallam Police Station,
Asaripallam,
Kanniyakumari District.
(Crime No.6 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Pragalathan.N., Advocate.

For Respondent : M/s.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.6 of 2021 on the file
of the respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused No.4, who apprehend arrest at the hands
of the respondent police for the offences punishable under Sections
147, 148, 341, 294(b), 448 and 506(i) of IPC and Section 4 of the
Tamil Nadu Prohibition of Harassment of Woman Act, seeks
anticipatory bail.

2.The case of the prosecution is that due to property dispute,
the petitioner have entered into the de-facto complainant's
property, damaged the compound wall and abused the de-facto
complainant with filthy language. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He further submitted that this Court has already considered the case of the petitioner and granted anticipatory bail to him, vide order dated 05.03.2021, made in CrI.OP(MD)No.1975 of 2021, with certain conditions. But, the petitioner could not arrange sureties since he had to join duty in UAE and therefore, he has moved this second anticipatory bail application.

4.The learned Government Advocate(CrI.Side) appearing for the respondent admitted that the petitioner has already been granted anticipatory bail by this Court, in CrI.OP(MD)No.1975 of 2021, dated 05.03.2021 and that he has not complied with the conditions stipulated therein. He further submitted that it is a counter case and the investigation is pending.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and the fact that the petitioner has already been granted anticipatory bail by this Court and his failure to comply with the conditions stipulated therein, this Court is inclined to grant anticipatory bail to the petitioner.

6.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 No.1, Nagercoil, Kanniyakumari District, 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 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 respondent police as and when required.

[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/-
06/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

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

ORDER
IN
CRL OP (MD) No.14993 of 2021
Date : 06/10/2021