



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17130 of 2021

Sri.S.Mani

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Aralvaimozhi,
Kanyakumari District.
(Crime No.482 of 2021)

... Complainant/Respondent

For Petitioner : M/s.Sivakumar C,
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.482 of 2021 on the file of the Respondent 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 323, 427, 448, 506(ii) of IPC and Section 4 of THPHW Act, 2002, in Crime No.482 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioner abused the defacto complainant in filthy language and also attacked him. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that this Court has already considered the case of the petitioner and granted anticipatory bail to the petitioner in Crl.O.P.(MD).No.12972 of 2021 on 22.09.2021.

However, the petitioner is getting direction from the learned Judicial



Magistrate, Boothapandi, the respondent Police has added an offence under Section 4 of TNPHW Act, 2002 in F.I.R.No.482 of 2021 on 30.08.2021 and they are trying to create false case against the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police admitted that the petitioner has been granted anticipatory bail in Crime No.not known of 2021 and as per the directions of the trial Court, the respondent Police has added the offence under Section 4 of TNPHW Act, 2002 in the First Information Report and registered the F.I.R.No.482 of 2021. He further submitted that the injured person has been discharged from the hospital.

5.Considering the nature of allegation against the petitioner, the fact that the petitioner has already been granted anticipatory bail by this Court and the injured person has been discharged from the hospital, 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, Boothappandi, 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 Judge 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 learned Judge 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 Judge/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 Judge/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/-
02/11/2021

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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,
Boothappandi.
 - 2.Do Through The Chief Judicial Magistrate,
Kanyakumari at Nagercoil.
 - 3.The Inspector of Police,
Aralvaimozhi,
Kanyakumari District..
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +2. CC to M/S.SIVAKUMAR C Advocate SR.No.7836

ORDER
IN
CRL OP(MD) No.17130 of 2021
Date :02/11/2021

RS/VR/SAR3 (24.11.2021) 3P 7C