



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.19528 of 2021

Selvam @ Mariselvam

... Petitioner/Accused

Vs

State rep.by
The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City
(Crime No.455/2021).

... Respondent/Complainant

For Petitioner : M/s.K.Suyambulinga Bharathi, Advocate.

For Respondent : M/s.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

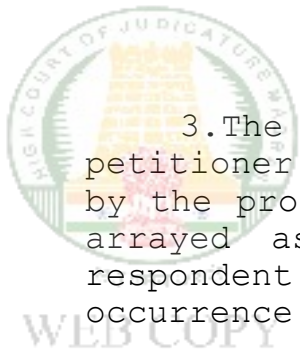
PRAYER :-

For Anticipatory Bail in Crime No. 455 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324, 307, 427, 448, 506(ii) IPC, in Crime No.455 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 03.11.2021, at about 04.15PM, the accused went to the cracker shop, where the defacto complainant was working as a salesman. At that time, the accused persons were instructed to follow the queue, for which, trouble arose between the parties and the accused persons caused damage to the cracker shop. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent and not committed any offence as alleged by the prosecution. He would fairly concede that the petitioner was arrayed as accused in Crime No.422 of 2021, on the file of respondent police, which was registered on the same day of occurrence. Hence, prays to release him on anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the first occurrence took place at about 4.15PM on the day of occurrence, when the petitioners went to shop to purchase crackers and trouble arose, when they asked to follow the queue. After that occurrence, the present occurrence taken place. The injured was treated as out patient.

5.Reading of FIR shows that in this case, the time of occurrence was mentioned as 4.15PM and in Crime No.422 of 2021, the time of occurrence was mentioned as 4.00PM. Reading of FIR in Crime No.422 of 2021 shows that very same allegations was made against the petitioner and it is nothing but verbatim reproduction of same facts in this case.

6.Considering the nature of charges levelled against the petitioner, reproduction of same facts in this case and in Crime No.422 of 2021 and that the injured was treated as out patient, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate No.I, Tirunelveli and on his executing 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 the petitioner shall appear before the respondent police daily at 10.30AM for a period of one month and thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
21/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.I)
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.I,
TIRUNELVELI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.19528 of 2021
Date :21/12/2021

SP/JM/SAR I/29/12/2021/3P/5C