



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.1167 of 2022

M.Pitchai Kutty,

... Petitioner/Sole Accused

Vs

The State Rep. by
The Sub-Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.
Cr.No. 6 of 2022.

... Respondent/Complainant

For Petitioner : Mr.Ka.Raamakrishnan, Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.6 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 353, 506(2) of IPC, in Crime No.06 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant to have raid of prohibition cases, there is a crowd in the place of occurrence with regard to the pongal festival. At that time, when the defacto complainant asked the crowd to go away from that place, the petitioner refused to do so and objected the defacto complainant in discharging his duties and also caused injury to him. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. In fact the defacto complainant all of sudden entered into the crowd and attacked the petitioner and caused injury. The petitioner was admitted in the hospital.



4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner is having two previous cases, one of which is under Section 302 IPC.

5. It appears that in the above said incident, the petitioner has been assaulted by the defacto complainant and has been admitted in the hospital. Evidence is also been produced. It shows the IP No.1790. The learned counsel for the petitioner submitted that only in the above said incident, he has been attacked and admitted in the hospital and remand was made by the concerned Magistrate. So according to him absolutely a false case has been given by the defacto complainant.

6. Considering the fact that the petitioner has been assaulted by the defacto complainant and got himself in the hospital, even though he has previous cases, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.I, Thoothukudi, Thoothukudi 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 the petitioner shall appear before the respondent police once in fifteen days at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
03/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE SUB-INSPECTOR OF POLICE
THATTAPARAI POLICE STATION,
THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1167 of 2022
Date :03/02/2022

PKP/MS/SAR-2/10.02.2022/3P/5C