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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02.02.2022
PRESENT
The Hon'ble Mrs.Justice R.THARANI
CRL OP(MD). No.1470 of 2022

Billclinton ... Petitioner/4th Accused
Vs.

State Represented by,
The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(Crime No.516 of 2021) ... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar
Advocate.
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail Crime No.516 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/4th Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 324 and 506(ii) of I.P.C., in Crime No.516 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and others attacked the defacto complaint with iron rod and thereby caused injuries to him. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the co accused were already granted anticipatory bail by this Court. The overt act against the petitioner is that he only abused the victim. There was only wordy quarrel between the fishermen. The injured was discharged from the hospital and prayed this Court to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that out of total number of 8 accused, seven were already granted anticipatory bail. The injured person was discharged from the hospital on 02.01.2022. The petitioner is having a previous case of similar nature and prayed to dismiss the petition.

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5.Considering the submissions made by both the counsel and considering the nature of offence and overt act attributed against the petitioner and considering the fact that the injured was 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, before the learned Judicial Magistrate No.II, Kuzhithurai, 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 daily for a period of one month at 10.30 a.m., and thereafter as and when required for interrogation. 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/-
02/02/2022

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

MRN

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.II, Kuzhithurai.

2. The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil

3.The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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Date :02/02/2022

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