



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 31/01/2022

PRESENT

**The Hon`ble Mrs.Justice S.ANANTHI**

**CRL OP(MD).No.1449 of 2022**

Captain Prabhakaran

...Petitioner/Accused No.2

Vs.

State rep.by

The Inspector of Police,  
Kalakkad Police Station,  
Tirunelveli District.  
(Crime No.521 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Appaji,C.K.M. Advocate.

For Respondent : M/s.S.Manikandan,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.521 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 294(b), 448, 324, 379(NH), 506(ii) IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002, in Crime No.521 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to land dispute, the petitioner and other accused waylaid and attacked the de-facto complainant's daughter and also caused injuries. They have also taken away the mobile phone of the defacto complainant. Hence, the complaint.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that this is the second anticipatory bail petition. The petitioner's earlier anticipatory application in Crl.O.P(MD)No.21109 of 2021 was dismissed by this Court on 29.12.2021, taking note of the bad antecedents of the petitioner. He further submitted that the injured persons have been discharged from the hospital.

5.Considering the facts and circumstances of the case and considering the fact that the injured persons have been discharged from the hospital and also the suit in O.S.No.84 of 2021 was pending between the defacto complainant and the accused, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Nanguneri, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 pay a sum of Rs.5,000/- (Rupees Five thousand only) as non refundable amount to the credit of Madras High Court Madurai Bench, Advocate Clerk's Welfare Association, Madurai-625 023 (Indian Bank Saving Account No.496039124, IFSC Code: IDIB000H040). The petitioner shall execute the sureties on showing the receipt of the said amount;

[c]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation;

[d]the petitioner is directed to file an undertaking affidavit stating that he will not indulge this kind of offence in future before the trial Court as well as before the respondent police.

[e]the petitioner shall not tamper with the evidence or witness either during investigation or trial.



[f]the petitioner shall not abscond either during investigation or trial.

[g]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]**.

[h]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

31/01/2022

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/ /2022

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

vsd

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,  
NANGUNERI.
2. -DO- THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,  
KALAKKAD POLICE STATION,  
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

COPY TO:

THE OFFICER INCHARGE,  
THE MADRAS HIGH COURT MADURAI BENCH,  
ADVOCATE CLERK'S WELFARE ASSOCIATION,  
MADURAI-625 023.

ORDER

IN

CRL OP(MD) No.1449 of 2022

Date :31/01/2022

SP/JM/SAR II/04/02/2022/3P/6C