



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.1271 of 2022

Reegan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
Cr.No.19 of 2022.

... Respondent/Complainant

For Petitioner : M/s.BALAMURUGAN.S,
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu(Crl.side)

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

PRAYER :- For Anticipatory Bail in Crime No.19 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 387, 294(b) and 506(ii) of IPC, in Cr.No.19 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 17.01.2022, the petitioner and A1 approached the de-facto complainant alleging that her mother illegally vending liquor, for which, they demanded Rs.800 as mamool and on 18.01.2022, again the petitioner and A1 approached the de-facto complainant and demanded mamool and liquor bottles, the de-facto complainant gave Rs.500/- to them and denied to give liquor bottles, for which, the petitioner and A1 threatened the de-facto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that on the date of occurrence, the mother of the de-facto complainant was illegally selling liquors and the same was red-handedly caught by the police party and that in order to escape from the said charges, the de-facto complainant has lodged a complaint falsely implicating the petitioner and other accused, who are working as Home Guard.



4. On the last hearing, the learned Government Advocate (Crl. side) has disputed the factum that the petitioner is working as Home Guard.

5. Today, when the matter is taken up for hearing, the learned Government Advocate (Crl. side), on instructions, would submit that the petitioner is working as Home Guard for the past two years. The learned counsel for the petitioner has also produced the appointment order issued by the Superintendent of Police, Kanyakumari District, dated 02.03.2020.

6. Considering the nature of the offences alleged and also the fact that A1 has already been released on bail and that the petitioner is not having any bad antecedents as stated by the learned Government Advocate (Crl. side), this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kulithurai, Kanyakumari District, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with 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 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]***; and;



(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/03/2022

/ TRUE COPY /

WEB COPY

/ /2022
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 NO.I
KULITHURAI, KANYAKUMARI DISTRICT.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL..
- 3 THE INSPECTOR OF POLICE
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. BALAMURUGAN.S Advocate SR.No.1676

**ORDER
IN**

CRL OP(MD) No.1271 of 2022
Date :03/03/2022

SA/VR/SAR.2/11.03.2022/3P/6C