



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.2114 of 2022

Santhacruz @ Sante Cruz ... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District,
(Crime No.458/2021).

... Respondent/Complainant

For Petitioner : M/s.M.Laxmi Mahendras
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.458/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 427 and 506(ii) of IPC read with Section 4 of TNPWH Act in Crime No.458 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons unlawfully assembled together with weapons and abused the defacto complainant in filthy language and assaulted her and caused injuries. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent. He has not committed any offence as alleged by the prosecution and he has been wrongly implicated in



complainant in Crime No.457 of 2021. Except the petitioner, all the other accused persons have been granted anticipatory bail by the learned Principal Subordinate Judge, Tirunelveli.

4.The learned Additional Public Prosecutor would submit that it is a case, case in counter and a case in Crime No.457 of 2021 has been registered against the defacto complainant herein. The anticipatory bail petition of the petitioner was dismissed before the lower Court, on the ground that the petitioner is having seven previous cases. Injured in this case has been discharged from the hospital.

5. Considering the nature of offence and the fact that injured persons have been discharged from the hospital, eventhough the petitioner is having seven previous cases, since it is a case, case in counter, 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, Radhapuram, 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 a month 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, Radhapuram.
2. -do-Through The Chief Judicial Magistrate,
Tirunelveli District,
- 3.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.2114 of 2022

Date :03/02/2022

RD/JM/SAR-I(11.02.2022) 3P 5C