



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01.03.2022
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD) . No.3993 of 2022

WEB COPY

Paramesh

...Petitioner/sole accused

Vs

The State represented by
The Inspector of Police,
South Thamaraikulam Police Station,
Kanniyakumari District.
Crime No.227 of 2021

... Respondent/Complainant

For Petitioner : Mr.B.Fazil Kirmani
Advocate.

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory bail in Crime No.227 of 2021 on the file of
the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of
the respondent Police for the offence punishable under Sections 341,
294(b), 323 and 506(ii) IPC and Section 4 of the Prohibition of
Harassment of Women Act, 1998, in Crime No.227 of 2021 on the file
of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous dispute
between the petitioner and the defacto complainant, the petitioner
abused the defacto complainant in filthy language and also assaulted
him. Hence, the complaint.

3. This is the second anticipatory bail petition. The earlier
anticipatory bail petition was dismissed, by this Court on
02.11.2021, on the ground that the petitioner is having three
previous cases.

4. The learned counsel for the petitioner submits that among
three cases pending against the petitioner, one case ended in
acquittal in C.C.No.209 of 2019 on 21.10.2021. He also produced a
copy of the Judgment passed in C.C.No.209 of 2019.

5. The learned Government Advocate (Crl. Side) has also
confirmed the same.

6. Considering the facts and circumstances of the case and
also considering the fact that among three cases pending against the



petitioner, one case ended in acquittal in C.C.No.209 of 2019 on 21.10.2021, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed. 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 No.3, Nagercoil, 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 report before respondent police as and when required for interrogation;

[c]the petitioner shall not tamper with the 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/-

01/03/2022

/ TRUE 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.III
NAGERCOIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
KANIYAKUMARI DISTRICT AT NAGERCOIL.



3 THE INSPECTOR OF POLICE
SOUTH THAMARAIKULAM POLICE STATION,
KANNIYAKUMARI DISTRICT

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

ORDER

IN

CRL OP (MD) No.3993 of 2022

Date :01/03/2022

SS/PN/SAR:IV/08.03.2022 : 3P/5C