



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01/04/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6082 of 2022

Vinoth

... Petitioner/Accused No.3

Vs

The State Rep. By,
The Inspector of Police,
Kaliakavilai Police Station,
Kanyakumari District.
Crime.No. 539/2009.

... Respondent/Complainant

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

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

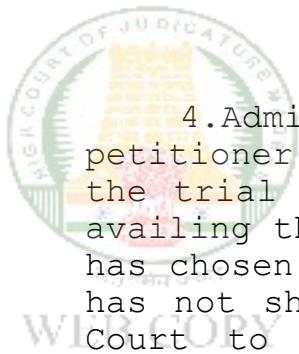
To enlarge the petitioner on anticipatory bail in connection with C.C.No.226 of 2018 on the file of the learned Judicial Magistrate, Kulithurai, Kanyakumari District.

ORDER : The Court made the following order :-

The petitioner/A.3, who apprehends arrest for the alleged offences under Sections 147, 148, 294(b), 342, 323, 324 and 506(ii) IPC @ 294(b), 342, 323, 324 and 506(ii) IPC in connection with Non-Bailable Warrant issued in C.C.226 of 2018, on the file of the learned Judicial Magistrate, Kulithurai, Kanyakumari District, in Crime No.539 of 2009, seeks anticipatory bail.

2.The case of the prosecution is that on 23.12.2009, while the de-facto complainant, who is an Advocate and his sister came to their land situated at New S.No.513/1 of Kulamparam Village, at that time, the petitioner along with A1 and other persons caught hold the de-facto complainant and made an attempt to threaten him by showing aruval. Hence, the complaint.

3.Originally, the respondent police has filed a final report and the same was taken on file in C.C.No.253 of 2010 on the file of the learned Judicial Magistrate No.I, Kulithurai for the offences altered into Sections 294(b), 342, 323, 324 and 506(ii) IPC and subsequently, the case was split up as C.C.No.226 of 2018 and the same is pending.



4. Admittedly, Non-Bailable Warrant (NBW) is pending against the petitioner from the year 2015 and the petitioner has not approached the trial Court to recall the warrant pending against him. Without availing the alternative remedy available before the trial Court, he has chosen to approach this Court directly. Moreover, the petitioner has not shown any specific or special reason so as to enable this Court to invoke Section 482 Cr.P.C. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

5. In the result, this Criminal Original Petition is dismissed.

sd/-
01/04/2022

/ 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.I,
KULITHURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
KALIAKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6082 of 2022
Date : 01/04/2022

sjj
USK/PN/SAR-I/11.04.2022/2P/5C