



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/04/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.8043 of 2022

A.Ashok Kumar ... Petitioner/Sole Accused
Vs

State rep. by its
The Sub Inspector of Police,
Palugal Police Station,
Kanyakumari District.
Cr.No. 55 of 2022..

... Respondent/Complainant

For Petitioner : Mr.K.Kubendran,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.55 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(i) IPC, in Crime No.55 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there existed money transaction dispute between the petitioner and the defacto complainant and due to which, the petitioner abused the defacto complainant in filthy language, assaulted him and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. Due to previous enmity, a false case has been foisted against the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there was money transaction dispute between the parties and the investigation is pending.



5.Considering the fact that there existed money transaction dispute between the parties and considering the facts that no one was injured in this case and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Valliyoor, 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 Inspector of Police, Kaliyakkavilai Police Station daily at 10.30 a.m., for 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.

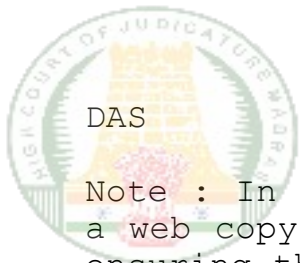
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



DAS

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 JUDICIAL MAGISTRATE
VALLIYOOR

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
PALUGAL POLICE STATION, KANYAKUMARI DISTRICT

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

COPY TO:

THE INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

ORDER

IN

CRL OP(MD) No.8043 of 2022

Date :28/04/2022

SS/JM/SAR:II/10.05.2022 : 3P/6C