



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/05/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.9029 of 2022

Amalajothi,

... Petitioner/Accused No.3

Vs

The State Rep by,
The Sub Inspector of Police,
Kotticode Police Station,
Kanniyakumari District.
Cr.No.171/2021.

... Respondent/Complainant

For Petitioner : MR.K.P.Narayanakumar, Advocate.

For Respondent : MR.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 171/2021 on the file of the Respondent police.

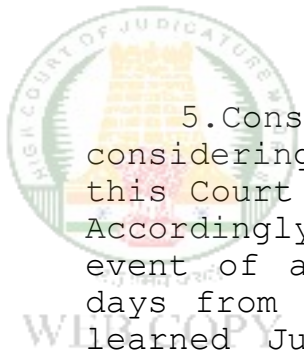
ORDER : The Court made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b) and 506(i) of IPC in Cr.No.171 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that due to previous business enmity the petitioner abused the defacto complainant in filthy language and attacked him. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that no one has sustained injury in this case and there is a business enmity between the parties.



5.Considering the facts and circumstances of the case and also considering the fact that no one has sustained injury in this case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, 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.II, Padmanabhapuram, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 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/-

11/05/2022

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13/05/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
PADMANABHAPURAM

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.



3 THE SUB INSPECTOR OF POLICE
KOTTICODE POLICE STATION,
KANNIYAKUMARI DISTRICT.

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

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+1CCtoM/s.K.P.NARAYANA KUMAR, Advocate (SR-4571[I] dated 11/05/2022)

ORDER

IN

CRL OP(MD) No.9029 of 2022

Date :11/05/2022

PKP/PN/SAR-4/13.05.2022/3P/6C