



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

Date : 10/06/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10253 of 2022

R.Aswin @ Ashwin Kumar, ... Petitioner/Accused

Vs

State Rep by  
The Inspector of Police,  
Ernieal Police Station,  
Kanyakumari District.  
Crime No.276 of 2022. ... Respondent/Complainant

For Petitioner : M/s.Ramakrishnan Ka.,  
Advocate.  
For Respondent : Mr.B.Thanga Aravindh,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.276 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), 427 and 506(ii) of IPC, in Cr.No.276 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there was a dispute between the members of an omni bus association with regard to operating of bus without proper permit, due to which, the petitioner abused the de-facto complainant in filthy language and caused damage to the innova car, which belongs to the de-facto complainant. 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. Hence, he seeks anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that no one was injured in this case.

5.Considering the fact that there existed dispute between the members of an omni bus association and also the facts that no one was injured in this case and that except the offence under Section 506(ii) IPC, other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Erniel, Kanyakumari District.

7.On production of such receipt/acknowledgment, 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, Erniel, Kanyakumari District, 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 daily at 10.30 a.m., for a period of one month and thereafter, 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]**.



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
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/ /2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate,  
Erniel, Kanyakumari District.
2. Do-Through The Chief Judicial Magistrate,  
Kanyakumari District.
3. The Inspector of Police,  
Ernieal Police Station,  
Kanyakumari District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

Copy to  
Officer Incharge,  
Madurai Bench of Madras High Court Advocate Welfare Fund,  
Madurai Bench of Madras High Court, Madurai.

ORDER  
IN  
CRL OP(MD) No.10253 of 2022  
Date : 10/06/2022

TR/SKN/SAR-I(16.06.2022) 3P 6C