



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.10248 of 2022

C.Harigopal, ... Petitioner/1st Accused

Vs

State Rep by
The Inspector of Police,
Manavalakurichy Police Station,
Kanyakumari District.
Crime.No. 8 of 2022. ... Respondent/Complainant

For Petitioner : M/s.Suresh M,
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.8 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 341, 294(b), 323, 506(ii) and 379 (NP) IPC in Cr.No.8 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is an practising Advocate. Due to previous enmity regarding partition of family properties, the petitioner and other accused trespassed into the de-facto complainant's land, cut town the tress and attacked the de-facto complainant with deadly weapons. 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 the injured was discharged from the hospital and that the petitioner is having no previous case.

5.Considering the fact that there existed property dispute between the parties and also the facts that the injured was discharged from the hospital, that except the offence under Sections 506(ii) and 379 (NP) IPC, other offences are bailable in nature and that the petitioner is not having any bad antecedents, 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 at Eraniel, 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 respondent police daily at 10.30 am for a 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.

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

SJI

TO

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

+1 CC to M/s.SURESH M, Advocate (SR-5371[I] dated 10/06/2022)

ORDER
IN
CRL OP(MD) No.10248 of 2022
Date : 10/06/2022

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