



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD) . No.11394 of 2022

WEB COPY

Hidyathulla

... Petitioner/Accused
(Rank Not Known)

Vs

The State rep.by
The Inspector of Police,
Suchindram Police Station,
Kanniyakumari District.
Crime.No. 434/2021.

... Respondent/Complainant

For Petitioner : Mr.SARAVANAKUMAR.P,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. 434 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 147, 148, 341, 342, 294(b), 323, 324, 307 and 506(ii) IPC in Crime No.434 of 2021 on the file of the respondent police.

2.The case of the prosecution is that because of the previous enmity regarding the property issue, on 12.09.2021 at about 08.00 pm., when the defacto complainant was near the place of occurrence, 9 persons came in a car and two wheeler to that place and picked up a wordy quarrel, abused him in filthy language and caused assault. Balajirajaram and Gogulan were injured and this petitioner is not shown as accused in the First Information Report.

3.Even as per the FIR, the presence of this petitioner is not mentioned, the learned Government Advocate (Crl. Side) appearing for the respondent police submitted that on the basis of the confession statement that has been given by the co-accused, this petitioner was stated to be present in the place of occurrence and caused assault with stick. Based upon that only, the petitioner has been implicated in this case. Even though counter case was also registered, no record is available with regard to the aforesaid counter case. He would further submit that the injured has been discharged from the hospital, the injuries are simple in nature and no previous bad antecedents is reported against the petitioner.



4. Considering the facts and circumstances of the case, the injured has been discharged from the hospital and no previous bad antecedents is reported against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.III, Nagercoil 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

29/06/2022

/ TRUE COPY /

/07/2022

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.III, NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
SUCHINDRAM POLICE STATION, KANNIYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.11394 of 2022
Date : 29/06/2022

SA/PN/SAR.3/14.07.2022/2P/5C

<https://www.mhc.tn.gov.in/judis>