



WEB COPY



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

Date : 13/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.11913 of 2022

A.Rajakumar

... Petitioner/Accused
Not Known

Vs

State rep.by
The Inspector of Police,
Ernieal Police Station,
Kanyakumari District.
(Crime No.276/2022).

... Respondent/Complainant

For Petitioner : M/s.Raamakrishnan 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 Cr.No.276/2022 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 he has not committed any offence as alleged by the prosecution. He would further submit that this Court has granted anticipatory bail to the co-accused in CrI.O.p(MD). No.10253 of 2022 dated 10.06.2022. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI.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 ordered to be released on bail in the event of arrest or his appearance, before the Judicial Magistrate, Eraniel, Kanyakumari District, and on his executing a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only)each, with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned; and the petitioners shall appear before the respondent police on every Saturday at 10.30 am until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall deposit a sum of Rs.10,000/-(Rupees Ten Thousand Only) to the credit of Crime No.276 of 2022 on the file of the Judicial Magistrate, Eraniel, Kanyakumari District, within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-
13/07/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.I)
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,
ERANIEL, KANYAKUMARI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
ERANIEAL POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.11913 of 2022

Date :13/07/2022

SP/JM/SAR I/27/07/2022/3P/5C