



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/07/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12865 of 2022

1. Prabhu,

2. Pream @ Raj Vinishraju, ... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
Crime.No.152 of 2022.

... Respondent/Complainant

For Petitioners: MR.G.Radhakrishnan.G, 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.152 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 & 2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 341 and 506(ii) I.P.C, in Crime No.152 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is an Advocate. He lodged a complaint stating that one Sunil and the first accused have some problem with regard to the money that was sent by Sunil. Due to which, the accused persons attacked the above said Sunil. At that time, the defacto complainant has appeared for the above said Sunil and lodged a complaint against the accused persons and case was registered in Crime No.391 of 2021. Over which, the first accused also assaulted the above said Sunil and case in C.C.No.134 of 2022 was filed against the first accused with the help of the defacto complainant. Because of the non-appearance of the



first accused, Warrant has been issued against him. On the occurrence, the accused persons joined together and uploaded the cow in front of the house of the defacto complainant. When that was objected and questioned, he was criminally intimidated and also abused him in filthy language. Based upon the complaint given by the defacto complainant, present case has been registered against the accused persons.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that since the defacto complainant has appeared for the above said Sunil, he was criminally intimidated. The first accused was already faced charge in C.C.No.134 of 2022 and warrant has also been issued against him. Hence, he is not entitled for anticipatory bail in this matter. Insofar the second petitioner is concerned, no previous case is pending against him.

5. In view of the above, the first petitioner may surrender before the concerned Court in the above said C.C.No.134 of 2022. Depending upon the out come of the order, he may workout his remedy in this matter. With the above direction, this petition is dismissed insofar as the first petitioner is concerned. Insofar as the second petitioner is concerned, no previous case is reported against him, this Court is inclined to grant anticipatory bail.

6. Accordingly, this Criminal Original Petition is partly allowed and first petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate Court, Valliyoor, Tirunelveli District, on condition that the first 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 first petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The first petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The first 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 stands dismissed.

sd/-
18/07/2022

/ TRUE COPY /

/07/2022

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



DSS

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,
VALLIYOOR, TIRUNELVELI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ARUMANAI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.RADHAKRISHNAN, Advocate (SR-7229[I])

ORDER

IN

CRL OP(MD) No.12865 of 2022

Date :18/07/2022

PKP/PN/SAR-1/21.07.2022/3P/6C