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

Date : 22/09/2022

PRESENT

**The Hon`ble Mr.Justice A.A.NAKKIRAN**

**CRL OP(MD) . No.14749 of 2022**

Rajaiyan @ Rasiyan

... Petitioner/Sole Accused

Vs

1. State rep.by

The Inspector of Police,  
Karungal Police Station,  
Kanaykaumari District  
(Crime No. 255 of 2022).

... Respondent/Complainant

(\*) 2. John Viyani

... 2<sup>nd</sup> Respondent/Defacto  
Complainant

(\*) (R2-Suo Motu impleaded as per order  
of this Hon'ble Court dated 17.08.2022  
in Crl.O.P.(MD)No.14749/2022 by GIJ)

For Petitioner : M/s.K.Sivabalan, Advocate for  
M/s.Aravinthan.G, Advocate.

For 1<sup>st</sup> Respondent : Mr.M.Vaikkam Karunanithi,  
Government Advocate (Crl.Side)

For 2<sup>nd</sup> Respondent : Mr.R.Russel Raj, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.255 of 2022 on the file of the  
Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands  
of the respondent police for the offences punishable under Sections  
<https://www.mhc.tn.gov.in/judis> 341, 294(b) and 506(i) IPC, in Cr.No.255 of 2022, seeks anticipatory  
bail.



2.The petitioner had instituted a suit against the RC Church immovable property, while the inspection made by the Advocate Commissioner, the de-facto complainant, who is an Advocate presented there and thereafter on 04.08.2022 at about 08.00 p.m., when the de-facto complainant returned to his home nearby the RC Church, over the said motive, the petitioner scolded the de-facto complainant in filthy language and tried to attack by using knife. Hence, the complaint.

3.The learned counsel for the petitioner would submit that due to enmity, a false case was foisted against the petitioner and the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the counter case is pending against the de-facto complainant and hence, he prays for anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that the injured has been treated as outpatient and no previous case is pending against the petitioner and the investigation is still pending. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that injured has been treated as outpatient and also the fact that the counter case is pending against the de-facto complainant, 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, Valliyoor, Tirunelveli District, 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 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 until further orders.

(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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/10/2022

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

SJI

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,  
KARUNGAL POLICE STATION,  
KANYAKUMARI DISTRICT.
  4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.ARAVINTHAN.G Advocate SR.No.10373

ORDER

IN

CRL OP(MD) No.14749 of 2022

Date : 22/09/2022

SP/VR/SAR II/06/10/2022/3P/6C

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