



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

Date : 16/09/2022

PRESENT

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

CRL OP(MD). No.16146 of 2022

Francis Xavier

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(Crime No. 333/2022)

... Respondent/Complainant

For Petitioner : M/s. Ramakrishna Dass.N.S,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 333 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 309 and 506(i) of I.P.C, in Crime No.333 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 27.08.2022, while the defacto complainant namely, Petchiammal, who is the Head Constable of the respondent police station, was on duty, the petitioner went to the police station for complying with the condition imposed in Crl.M.P.No.4675 of 2022. At that time, the petitioner's daughter took video. When the same was questioned, the petitioner abused the defacto complainant in filthy language, assaulted her and also threatened her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner shall comply with the condition imposed by this Court.



4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that when the petitioner went to the police station for complying the bail condition, the occurrence is said to have taken place. He would further submit that there are some previous cases pending against the petitioner and the investigation is still pending.

5.Considering the nature of offence and also considering the fact that there existed wordy quarrel between the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.333 of 2022 before the learned Judicial Magistrate, Valliyoor, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7.On production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on 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, 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before learned Judicial Magistrate, Valliyoor, daily at 10.30 a.m., until further orders;

[c]the petitioner shall not tamper with the 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]**.



[f]If the accused thereafter absconds, a fresh FIF registered under Section 229-A IPC.

sd/-
16/09/2022

/ TRUE COPY /

/09/2022

WEB COPY

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

CP

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

ORDER
IN
CRL OP(MD) No.16146 of 2022
Date :16/09/2022

RK/SVR/SAR-2 (22/09/2022) 3P/5C