



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2022

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PRESENT

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

CRL OP(MD). No.16994 of 2022

Sunilkumar

... Petitioner/Accused No.8

Vs

The State rep.by,
The Inspector of Police,
Eraniel Police Station,
Kanniyakumari District
(Crime No. 348 of 2022)

... Respondent/Complainant

For Petitioner : M/s. Karthikeyavenkitachalapathy,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Anticipatory Bail in Crime No.348 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324, 341, 379(NP), 427, 506(ii) IPC @ 147, 148, 294(b), 323, 324, 341, 379, 307, 506(ii) IPC, in Crime No.348 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to political motive, on 08.07.2022 at about 08.45PM, when the defacto complainant was returning to his house, the accused persons armed with weapons, waylaid his car and pelted stones on the car. They also abused him in filthy language and assaulted him with deadly weapons and also they snatched 7 sovereigns of gold jewels. Hence, the complaint.

3. On the side of the petitioner, it is stated that a false case was foisted against the petitioner. This petitioner is arrayed as A8. In this case, the co-accused were already enlarged on bail by this Court. Injured was discharged from the hospital. Hence, prays to be released him on anticipatory bail.



4. On the side of prosecution, it is stated that due to political motive, this occurrence took place between the parties. The co-accused were already enlarged on bail and the injured was also discharged from the hospital. Prays to dismiss the petition.

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5. Considering the facts and circumstances of this case and nature of the offence, that the co-accused were already enlarged on bail and that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

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 Judicial Magistrate, Eraniel, 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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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/09/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
ERANIEL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
ERANIEL POLICE STATION, KANNIYAKUMARI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.KARTHIKEYAVENKITACHALAPATY, Advocate (SR-10375[I]
dated 22/09/2022)

ORDER

IN

CRL OP(MD) No.16994 of 2022

Date :22/09/2022

PNM

PKP/SBN/SAR-1/27.09.2022/3P/6C