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CRL OP(MD). N



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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.16447 of 2022

Suresh Babu @ Vazhaiyan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Thuckalay Police Station,
Kanniyakumari District.
(Crime No. 346 of 2022).

... Respondent/Complainant

For Petitioner : M/s.ILAYARAJA.R,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.346 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

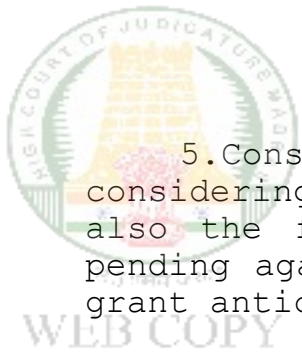
The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 448, 294(b), 427, 436, 379 and 506(ii) IPC, in Cr.No.346 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, the petitioner and ten more others trespassed into the de-facto complainant's house, abused him in filthy language and threatened him with dire consequences and also damaged his household articles worth about Rs.1,00,000/-. Hence, the complaint.

3. The learned counsel for the petitioner would submit that due to enmity, a false case 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 in Crime No.347 of 2022 is pending against the de-facto complainant.

4.The learned Government Advocate(Crl.Side) would submit that no one has been injured in this case.

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



5.Considering the facts and circumstances of the case and also considering the fact that no one has been injured in this case and also the fact that the counter case in Crime No.347 of 2022 is pending against the de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioners 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 No.1, Padmanabapuram, 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/-

16/09/2022

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Sub-Assistant Registrar (C.S.)
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 NO.I,
PADMANABAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANNIYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER**IN**

CRL OP(MD) No.16447 of 2022
Date :16/09/2022

SJI
SA/SVR/SAR.1/20.09.2022/3P/5C