



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27.01.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).No.19223 of 2021

Rajkumar @ Kibson

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Sankaralingapuram Police Station,
Thoothukudi District.
(Crime No.146 /2021).

... Respondent/Complainant

For Petitioner : MR.P.KRISHNASAMY,
Advocate.

For Respondent : MR.A.THIRUVADI KUMAR,
Additional Public Prosecutor

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

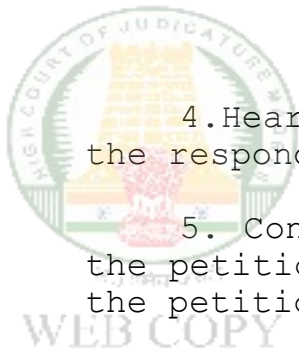
PRAYER :- For Anticipatory Bail in Crime No.146 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 448, 294(b), 506(2) of IPC in Crime NO.146 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had an illegal contact with the defacto complainant's wife. On 13.09.2021, at about 02.15 p.m., when the defacto complainant was sleeping in the house without locking the door, the petitioner opened his house and damaged the household articles and when the defacto complainant shouted, a quarrel arose between the defacto complainant and the petitioner and that the petitioner scolded the defacto complainant with filthy language and thereafter, left in the backside of the house.

3. The learned counsel for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submits that this is the second anticipatory bail application and earlier anticipatory bail application filed by the petitioner was dismissed on 30.09.2021. To show his bonafide, the petitioner has also filed an affidavit that he will not have any contact with the wife of the defacto complainant.



4. Heard the learned Additional Public Prosecutor appearing for the respondents.

5. Considering the nature of offence and the affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this petition is allowed and 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, Vizhathikulam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation;

(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]***; and;

(f) if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/01/2022

/ TRUE COPY /

/ /2022
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
VIZHATHIKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
SANKARALINGAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.19223 of 2021

Date :27/01/2022

SA/VR/SAR.3/28.02.2022/3P/5C