



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.16588 of 2022

WEB COPY

Francis,

... Petitioner/Sole Accused

Vs

State Rep.by

The Sub Inspector of Police,
Kaliyakkavilai Police Station,
Kaliyakkavilai,
Kaniyakumari District
(Crime No. 136 of 2022).

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan, 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.136 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 447, 425 and 379 IPC in Cr.No.136 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 05.05.2022 at about 07.00 p.m., the petitioner damaged 21 coconut saplings and taken away a motor worth about Rs.9,000/-. The total value of the property is Rs.12,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that due to land dispute, 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.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner is having five previous cases, out of which, two cases were already disposed of.

5.Considering the facts and circumstances of the case and also considering the nature of the offence, this Court is inclined to



grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner shall pay a sum of **Rs.5,000/- (Rupees Five Thousand only)** to the credit of **Crime No.136 of 2022 on the file of the learned Judicial Magistrate Court No.I, Kuzhithurai, Kanniyakumari District**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgement before the Court concerned.

7. On production of such receipt, 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 Court No.I, Kuzhithurai, Kanniyakumari 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 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/-

22/09/2022

/ TRUE COPY /

/10/2022

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 NO.I,
KUZHITHURAI, KANYAKUMARI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE SUB INSPECTOR OF POLICE
KALIYAKKAVILAI POLICE STATION,
KALIYAKKAVILAI,
KANIYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M/S. PRAGALATHAN N, Advocate (SR-10458[I] dated 23/09/2022)

ORDER
IN
CRL OP(MD) No.16588 of 2022
Date :22/09/2022

PKP/VR/SAR /03.10.2022/3P/6C