



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

Date : 07/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.18056 of 2022

Rajeshkumar

... Petitioner/Accused No.1

Vs

State represented by
The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime No.452 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Herold Singh.S.C., Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.452 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(II) of IPC, in Crime No.452 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the petitioner was burning plastics in the defacto complainant's property, the defacto complainant asked the petitioner not to burn the plastic, due to that, the petitioner abused the defacto complainant in filthy language and also attacked him. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He further submits that the case in counter is pending in Crime No.451 of 2022 against the defacto complainant.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that investigation is almost



5.Considering the above facts and circumstances of the case and also the fact that the case in counter is pending against the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6.Accordingly, 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 No.1, Kuzhithurai, 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 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 **once in a week i.e., on every Wednesday at 10.30 a.m.,** for a period of four weeks 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]**.

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

sd/-

07/10/2022

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/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.I
KUZHITHURAI

2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-11084[I] dated
07/10/2022)

ORDER

IN

CRL OP(MD) No.18056 of 2022

Date :07/10/2022

CSM

PKP/TR/SAR /11.10.2022/3P/6C