



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20856 of 2021

1. Vijayan @ Vijayakumar,

2. Stebin,

... Petitioners/Accused Nos. 2 & 3

-Vs-

The State Rep. by,
The Inspector of Police,
Kulasekaram Police Station,
Kanniyakumari District.
Cr.No.436 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.Saravanan,Advocate.

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

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

PRAYER :-

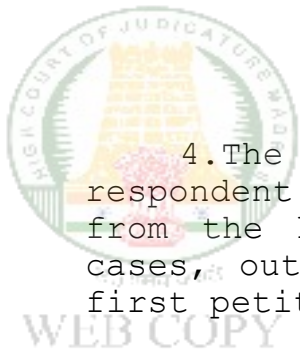
For Anticipatory Bail in Crime No.436 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 324 and 506(ii) IPC, in Crime No.436 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 07.12.2021, the accused persons waylaid the *defacto* complainant, demanded him to provide liquor bottle and also assaulted him with blade. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and not committed any such offence as alleged by the prosecution. He would further submit that there was civil dispute between the parties.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that even though injured has been discharged from the hospital, the second petitioner is having six previous cases, out of which, three cases have been disposed and that the first petitioner is not having any previous case.

5.This Court considered the above said facts and circumstances of this case, antecedents of the petitioners, even though there was simple dispute between the parties and that the injured was discharged from the hospital, considering the bad antecedents of the second petitioner, this Court is inclined to grant anticipatory bail to the first petitioner alone with certain conditions.

6.Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate No.II, Padmanabhapuram and on his executing 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 the first petitioner shall appear before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation. The first petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The first petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

9.Considering the bad antecedents the second petitioner, this Court is not inclined to grant anticipatory bail to the second petitioner. Accordingly, this Criminal Original Petition is dismissed, with respect to second petitioner.

sd/-

03/01/2022

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/ /2022

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

PNM

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.II,
PADMANABHAPURAM.

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

3 THE INSPECTOR OF POLICE,
KULASEKARAM POLICE STATION,
KANNIYAKUMARI DISTRICT.

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

+1. CC to Mr.M.SARAVANAN, Advocate SR.No.14(I)

ORDER

IN

CRL OP(MD) No.20856 of 2021

Date :03/01/2022

PKP/JC/SAR-2/06.01.2022/3P/6C