



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

Date : 08/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.19727 of 2022

A.Balamurugan,

... Petitioner/Proposed Accused

Vs

State Rep.by

The Sub Inspector of Police,  
Cinnakovilankulam Police Station,  
Tenkasi District.

Cr.No.157/2022.

... Respondent/Complainant

For Petitioner : Mr.C.RPonnuthai, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.157/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 427 and 506(2) IPC, in Cr.No.157 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, on 31.10.2022 at about 11.00 p.m., the petitioner came into the house of the de-facto complainant, abused him in filthy language and threatened the de-facto complainant by showing aruval and also caused damage to the window glass worth about Rs.1,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that due to enmity, 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. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner came into the house of the de-facto complainant, abused him in filthy language and threatened the de-facto complainant by showing aruval and also caused damage to the window



glass worth about Rs.1,000/- and he is having two previous convictions. Hence, he prayed for dismissal of this petition.

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 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, Sankarankovil, 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/-

08/11/2022

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



TO

1 THE JUDICIAL MAGISTRATE,  
SANKARANKOVIL.

2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.

3 THE SUB INSPECTOR OF POLICE  
CINNAKOVILANKULAM POLICE STATION,  
TENKASI DISTRICT.

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

+1 CC to M/s.C.R.PONNUTHAI, Advocate (SR-12627[I] dated 08/11/2022 )

ORDER

IN

CRL OP(MD) No.19727 of 2022

Date :08/11/2022

sj i

PKP/TR/SAR-2/17.11.2022/3P/6C