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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20527 of 2022

Kaliraj

... Petitioner/Accused No.5

Vs

The State rep.by,
The Inspector of Police,
Ayyapuram Police Station,
Tenkasi District.
(Crime No.58 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Veerapandi S P,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.58 of 2022 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
u/s 147, 148, 294(b), 323, 506(ii) IPC and Section 4 of TNPWH Act,
in Crime No.58 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity,
the petitioner abused the defacto complainant in filthy language and
also assaulted the defacto complainant's mother and caused simple
injury. Hence, the complaint.

3.The learned counsel for the petitioner submitted that this is
the third application for anticipatory bail. The earlier
anticipatory bail Petitions filed by the petitioner in Crl.OP(MD)

<https://www.thelawyer.in/judis>



Nos.16306 and 18235 of 2022 were dismissed on 09.09. and 18.10.2022, on the ground that the petitioner is having two previous cases to his credit and the petitioner is the habitual offender. He would further submitted that the above said two previous cases are registered arising out of petty issues.

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4. The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the two previous case are pending. The said cases arising out of gambling Act as well as Public nuisance, which are not serious offences.

5. On reading of the FIR shows that the trouble arose between the defacto complainant and the petitioner herein with regarding to take the students in the van to the school. Due to which the petitioner abused the defacto complainant in filthy language, other than no specific allegation has been attributed against the petitioner.

6.Considering the facts and circumstances of the case and and the nature of allegation levelled against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner, however, with stringent conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate, Sankarankovil, 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 petitioner shall appear before the respondent police on every Saturday at 10.30 am until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The 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.

sd/-
21/11/2022

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/11/2022

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

TTA

TO

1.THE JUDICIAL MAGISTRATE, SANKARANKOVIL.

<https://www.mhc.tn.gov.in/judis>



2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE INSPECTOR OF POLICE,
AYYAPURAM POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.P.VEERAPANDI, Advocate (SR-13378[I] dated 21/11/2022)

ORDER

IN

CRL OP(MD) No.20527 of 2022

Date :21/11/2022

RK/BUC/SAR-2 (28/11/2022) 3P/6C