



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

Thursday, the Fifteenth day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) No.22141 of 2022

T.SHAJI @ VINU

... PETITIONER/SOLE ACCUSED

Vs

State Rep.by
THE INSPECTOR OF POLICE
NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.192 OF 2022.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.SRINIVASARAGAVAN, Advocate
For Respondent : MR.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 439 Cr.P.C.

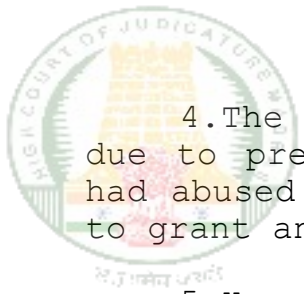
PRAYER FOR ANTICIPATORY BAIL IN CRIME NO.192 OF 2022 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 427, 294(b) and 506(i) IPC in Crime No.192 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Nagulan, is that due to previous enmity in respect of construction of compound wall, on 01.12.2022 at about 09.00 a.m., the accused abused the de-facto complainant in filthy language and threatened the de-facto complainant with dire consequences. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the de-facato complainant had illegally put up a compound wall in a water body and the petitioner had given a complaint to the Government authorities. Based on that, the revenue authorities have demolished the compound wall. Due to which, the de-facto complainant has given a false complaint against the



4.The learned Government Advocate (Crl.side) would seek at due to previous enmity with the de-facto complainant, the accused had abused and threatened the de-facto complaint. He would oppose to grant anticipatory bail.

5.Heard the learned Counsel on both sides. Taking into consideration the facts and circumstances of the case and on perusing the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Kuzhithurai, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday 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]**.

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

sd/-

15/12/2022

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/12/2022

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

cmr

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.

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

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

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

+2 CC to M/s.SRINIVASARAGAVAN D, Advocate (SR-14913[I], SR-14949[I]
dated 15/12/2022)

ORDER

IN

CRL OP(MD) No.22141 of 2022

Date :15/12/2022

RS/VR/SAR.3(23.12.2022) 3P-7C