



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22528 of 2022

WEB COPY

Baby John

...Petitioner /
Accused Rank not known

-vs-

The State represented by
The Inspector of Police,
Nithiravilai Police Station.
(in Cr.No.182 of 2022)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.182 of 2022.

For Petitioner : Mr.D.Mariojohnson, Advocate

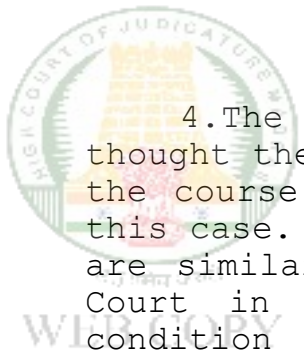
For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 294(b), 447, 427, 323 and Section 506(ii) IPC in Crime No.182 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the petitioner along with 65 other accused have committed rioting with deadly weapons and trespassing into the land of the de-facto complainant and abused him in filthy language and assaulted him and criminally intimidated him and also damaged the properties in the de-facto complainant's land. 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 petitioner's name does not find a place in the FIR and subsequently, the respondent suspecting that the petitioner had uploaded a facebook post had roped in the petitioner in this case.



4.The learned Government Advocate (Crl.side) would submit that thought the petitioner's name does not find place in the FIR, during the course of investigation, the petitioner has been implicated in this case. However, he would fairly concede that the co-accused, who are similarly placed, have been granted anticipatory bail by this Court in Crl.O.P(MD)No.20796 of 2022, dated 24.11.2022 with a condition to deposit a sum of Rs.5,000/- to the credit of Crime No.182 of 2022. He would also submit that the injured has been discharged from hospital.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.5,000/- to the credit of Crime No.182 of 2022 without prejudice to his rights and contentions before the trial Court.

7.On production of such receipt, 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 06.30 p.m., 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/-
20/12/2022

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/ TRUE COPY /

/12/2022

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

CMR

TO

- 1.THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.MARIOJOHNSON.D, Advocate (SR-15173[I] dated
20/12/2022)

ORDER
IN
CRL OP (MD) No.22528 of 2022
Date :20/12/2022

RK/BUC/SAR-2 (26/12/2022) 3P/6C