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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2023

PRESENT

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

CRL OP(MD). No.205 of 2023

G.Pravin

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
Crime No.177 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Palani Velayutham S,
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.177 of 2022 on the
file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused who apprehends arrest at the hands
of the respondent police for the offences punishable under sections
294(b), 447 and 506(ii) of I.P.C., in Crime No.177 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 due to some dispute regarding parking of car on 26.12.2022
the petitioner herein abused the defacto complainant in filthy
language and also threatened with dire consequences, hence the case
came to be registered.

3. The learned counsel for the petitioner would submit that the
petitioner is innocent and a false case has been foisted against
him. He would further submit that both the petitioner and the
defacto complainant are neighbours and there was only a wordy
quarrel between them while parking the car. He would further submit
that the defacto complainant is a practising lawyer in Kanyakumari

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



District and if the petitioner is directed to furnish before that Court he apprehends danger to his safety the petitioner may be permitted to furnish sureties before the learned Judicial Magistrate, Valliyur.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that due to some wordy quarrel regarding parking of car the occurrence said to have taken place. He would also submit that no previous case is pending against the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and also the fact that no previous case is pending against the petitioner this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

7. 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, Valliyur 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, daily at 10.30 a.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].



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



sd/-
05/01/2023

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
VALLIYUR
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KANYAKUMARI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.PALANI VELAYUTHAM S, Advocate (SR-406[I] dated
09/01/2023)

ORDER
IN
CRL OP(MD) No.205 of 2023
Date :05/01/2023

AAV
MK/SSS/SAR IV/09.01.2023/3P/6C