



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/01/2023

WEB COPY

PRESENT

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

CRL OP(MD). No.1121 of 2023

Subramanian ... Petitioner/Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District
(Crime No.322 of 2022). ... Respondent/Respondent/Complainant

For Petitioner : M/s.George Paul Anto.L,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.322 of 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 341, 294(b), 323 and 506(1) of I.P.C., in Crime No.322 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 19.12.2022, due to previous enmity, the accused assaulted the de-facto complainant's husband with wooden log, resulting in him, sustaining injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this is the second application for anticipatory bail and the earlier application was dismissed by this Court in Crl.O.P.(MD)No.23239 of 2022, dated 03.01.2023 on the ground that the injured was taking treatment in the hospital. He would also submit that now the injured is discharged from the hospital and the petitioner is innocent and there was a previous enmity between the parties on account of taking



photographs. He would further submit that the petitioner is to abide any stringent condition that may be imposed on him. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that due to previous enmity, the accused assaulted the de-facto complainant's husband with wooden log, resulting in him, sustaining injuries. The injured has also been discharged from the hospital. However, he strongly opposed to grant anticipatory bail.

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, 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 No.1, Nagercoil, Kanyakumari District 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].



CRL OP(MD).



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

sd/-
23/01/2023

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/02/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL.

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

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.GEORGE PAUL ANTO.L, Advocate (SR-979[I] dated
23/01/2023)

ORDER

IN

CRL OP(MD) No.1121 of 2023

Date :23/01/2023

RS/MMS/SAR.4(02.02.2023) 3P-6C