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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/01/2023

PRESENT

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

CRL OP(MD) . No.1030 of 2023

Christopher Raj @ Christopher Rajan ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Marthandam Police Station,
Marthandam,
Kanniyakumari District.
Crime No.554/2022.

... Respondent/Complainant

For Petitioner : M/s.Sivabalan.K, Advocate
For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.554 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 279, 337, 506(ii) I.P.C, in Crime No.554 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that on 12.12.2022 at 6.50AM, the accused drove the tipper lorry bearing Registration No.TN 75 AK 1523 in a rash and negligent manner and dashed the right side of the defacto complainant's car. Even after dashing the vehicle, the petitioner did not stop the vehicle and once again dashed the defacto complainant's vehicle on the left side. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and a false case has been foisted against him, since the defacto complainant is an Advocate. It is only the defacto complainant, who has assaulted the petitioner. On the basis



of complaint given by the petitioner, a case in Crime No. 123 of 2022, has been registered against the defacto complainant. The petitioner is not having any previous case. Hence, prays to release the petitioner on anticipatory bail. Further, the petitioner apprehends danger to his life, if he appear before the Judicial Magistrate Court, Kuzhithurai.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner drove the vehicle in a rash and negligent manner and caused damages to the defacto complainant's vehicle and also threatened him. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the fact that it is a case and case in counter pending against the parties, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Valliyoor**, 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 one week and thereafter, on the first Saturday of every month at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the 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]**; and;



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[f] if the accused/ petitioner thereafter absconds, sh
FIR can be registered under Section 229-A IPC.

sd/-

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/02/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE,
VALLIYOOR.

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

3 THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION, MARTHANDAM, KANNIYAKUMARI DISTRICT.

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

+1 CC to M/s.SIVABALAN.K, Advocate (SR-823[I] dated 19/01/2023)

ORDER

IN

CRL OP(MD) No.1030 of 2023

Date :19/01/2023

RS/VR/SAR.4 (01.02.2023) 3P-6C