



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2023

PRESENT

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

WEB COPY

CRL.O.P(MD)No.1048 of 2023

Ajaislin

...Petitioner/Accused No.1

-vs-

State represented by
The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(in Cr.No.401 of 2022)

...Respondent/Complainant

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

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. 401 of 2022.

For Petitioner : Mr.D.Christenson Jugunu, 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 294(b), 324 and 506(ii) IPC in Crime No. 401 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 while he approached the petitioner's puncture shop, he was provoked by the attitude of the labour working therein due to which the petitioner took his vehicle to another puncture shop. Because of that, there was wordy altercation between them and the defacto complainant was scolded with filthy language and assaulted with rod and threatened 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 petitioner is ready to abide by any condition imposed by this Court. He prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit that injured has been discharged from the hospital and there is no previous case pending against the petitioner.

5.Taking into consideration the facts and circumstances of the case, 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, Eraniel 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 everyday 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]**.

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

sd/-

20/01/2023

/ TRUE COPY /

/02/2023

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

CM



TO

1 THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.

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

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

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

+1 CC to M/s.S.RAMAKRISHNAN, Advocate (SR-879[I] dated 20/01/2023)

ORDER

IN

CRL OP(MD) No.1048 of 2023

Date :20/01/2023

RS/SSS/SAR-4/03.02.2023/3P/6C