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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/01/2023

PRESENT

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

CRL OP(MD) . No.1177 of 2023

Yesuraja

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
Crime No.406 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Maharaja.M,
Advocate.

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

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

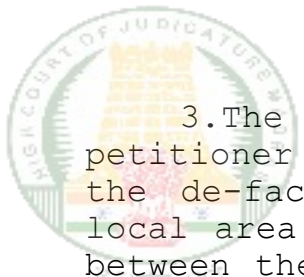
PRAYER :-

For Anticipatory Bail in Crime No.406 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), 341, 427, 324 and 506(2) of I.P.C., in Crime No.406 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Ramesh, is that the accused had borrowed an amount of Rs.16,500/- from the de-facto complainant and later, he has not repaid the amount and on 25.12.2022, while the de-facto complainant was standing near Boomi Pathukappu Sangam, Puthalam, the accused had come there and abused him with filthy language and assaulted him with an iron rod, resulting in him, sustaining injuries. Hence, the case.



3.The learned counsel for the petitioner would submit the petitioner is an innocent and a false complaint has been given by the de-facto complainant, who is an Advocate, practising in the local area. He would further submit that there was a money dispute between the petitioner and the de-facto complainant and the de-acto complainant apart from being a practising Advocate, is also a money lender and he has given a false complaint against him and hence, he would seek for anticipatory bail. He would further submit that since the de-facto complainant is an Advocate, the petitioner will be facing difficulty in appearing for producing sureties before the local Court and thereby, he would seek that the petitioner may be permitted to appear before the learned Judicial Magistrate, Valliyoor, Tirunelveli District.

4.The learned Government Advocate (Crl. side) would submit that the accused had borrowed an amount of Rs.16,500/- from the de-facto complainant and later, he has not repaid the amount and on 25.12.2022, while the de-facto complainant was standing near Boomi Pathukappu Sangam, Puthalam, the accused had come there and abused him with filthy language and assaulted him with an iron rod, resulting in him, sustaining injuries. Hence, he vehemently opposed to grant anticipatory bail to 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, 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, Valliyoor, Tirunelveli 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
<https://www.tn.gov.in/> 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/-

23/01/2023

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/02/2023

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

SJI

TO

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

+1. CC to M/S.MAHARAJA.M Advocate SR.No. 992(I)

ORDER

IN

CRL OP(MD) No.1177 of 2023

Date :23/01/2023

VA/BUC/SAR-2/03.02.2023/3P/6C