



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07.06.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD)No.9806 of 2023

WEB COPY

Raju

... Petitioner / Accused

Vs

The State represented by,
The Inspector of Police,
Aasaripallam Police Station,
Kanyakumari District.
(Crime No.40 of 2023)

... Respondent / Complainant

For Petitioner : Mr.V.Kishore Kumar, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.40 of 2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
323 & 506(i) IPC in Crime No.40 of 2023 on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is working as security in District Industries Centre, Nagercoil. As
per order, no one should stay in factory premises during night
hours. However, on 11.04.2023, the petitioner, who is factory
driver, pushed away the defacto complainant and entered into the
premises and slept in parking area. On the next day, when the same
was questioned by the defacto complainant, the petitioner abused him
in filthy language and also attacked him with his leg. Hence, the
case.

3.Heard both sides and perused the materials available in the
record.

4.Considering the facts and circumstances of the case and also
the fact that the injured person has already been



discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5. 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.I, Nagercoil, Kaniyakumari 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., for a period of two weeks and thereafter, as and when required for interrogation;

[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/-
07/06/2023

/ TRUE COPY /

/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

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To

1.The Judicial Magistrate No.I,
Nagercoil, Kanniyakumari District.

2.Do through the Chief Judicial Magistrate,
Kanniyakumari District at Nagercoil.

3.The Inspector of Police,
Aasaripallam Police Station,
Kanyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.KISHORE KUMAR, Advocate (SR-8172[I] dated 07/06/2023)

ORDER

IN

CRL OP(MD) No.9806 of 2023

Date :07/06/2023

ED/BUC/SAR- (14/06/2023) 3P 6C