



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

Date : 09.06.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.10125 of 2023

Sibu @ Antony Sibu

... Petitioner/Sole Accused

Vs

State Represented by
The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
(In Crime No.111 of 2023)

... Respondent/Complainant

For Petitioner : Mr.R.Rajesh
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.111 of 2023 on the file of the Respondent Police.

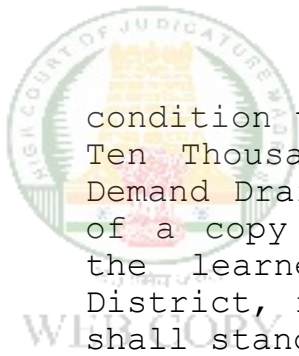
ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(i) IPC in Crime No.111 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner asked money from the defacto complainant to drink alcohol and he refused for the same. Due to which, the petitioner abused the defacto complainant in filthy language and also attacked him. Hence, the case.

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

4.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner on



condition that the petitioner shall pay a sum of Rs.10,000/- (Ten Thousand only) directly to the defacto complainant by way of Demand Draft, within a period of two weeks from the date of receipt of a copy of this order and produce receipt/acknowledgment before the learned Judicial Magistrate No.2, Kuzhithurai, Kanyakumari District, failing which, anticipatory bail granted to the petitioner shall stand cancelled automatically.

5. On such production of receipt/acknowledgment, 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.2, Kuzhithurai, 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., for a period of three 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/-
09/06/2023

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/06/2023

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



TO

1.The Judicial Magistrate No.2,
Kuzhithurai, Kanyakumari District.

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

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

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

+1 CC to M/s.R.RAJESH, Advocate (SR-8403[I] dated 09/06/2023)

ORDER

IN

CRL OP (MD) No.10125 of 2023

DATE : 09.06.2023

NA/VR/SAR- /19.06.2023/3P/6C