



CRL OP(MD). No.15130 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15130 of 2023

Vallinayagam,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Vadaseri Police Station ,
Kanniyakumari District.
(In Crime No.100 of 2023).

... Respondent/Complainant

For Petitioner : M/s.HENRI TIPHAGNE,
Advocate.

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.100 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 427 and 506(ii) of IPC, in Crime No.100 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant namely Ratheesh who was working as Branch Manager of Indian Overseas Bank at Vetturimandam alleged that on 31.07.2023, the petitioner had dismantled the steps of ATM Centre



CRL OP(MD). No.15130 of 2023

WEB COPY

situated at Vetturnimandam, since the ramp facilities was not provided to the physically challenged persons. It was further alleged that the petitioner threatened the defacto complainant and abused with filthy language. Hence, the case.

3. The learned counsel for the petitioner would submit that the main purpose for visiting the ATM Centre is to see whether the facility has been made available. In that event, he alleged to have caused damage to the foot steps. So according to him, this was also not taken appropriate care by the authorities concerned. In stead of making arrangement for the use of disabled persons, without sensitivity, they have reconstructed the foot steps. According to him, absolutely, there was no intention on his part to cause any inconvenience, to commit offence or make nuisance. The purpose, for which, he made visit ought to have been taken by the authorities concerned, in a rightful manner.

4.No doubt that object may be genuine. But, the manner in which he has behaved must also be properly investigated and tried and if proved, must be punished. The petitioner cannot be permitted to take advantage of his physical challenge, enter any where, any time causing nuisance, disturbances and damage. So law will take its own course, if such unruly behaviour has been exhibited by him. Suffice to say that this petitioner is equally responsible for the undesired consequences.



CRL OP(MD). No.15130 of 2023

WEB COPY

5. Considering the physically challenged condition of the petitioner only, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Nagercoil, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
18/08/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM
TO
1 THE JUDICIAL MAGISTRATE COURT NO.II,NAGERCOIL.



CRL OP(MD). No.15130 of 2023

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

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

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

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-12489[I] dated 18/08/2023)

ORDER IN
CRL OP(MD) No.15130 of 2023
Date :18/08/2023

SA/JGB/SAR. /20.09.2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.