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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15746 of 2023

Ajin

... Petitioner/Unknown

Vs

The State Represented by,
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime No.388 of 2023).

... Respondent/Complainant

For Petitioner : Mr.R.Manojkumar,
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.338 of 2023 on the file of the Respondent Police.



ORDER : The Court made the following order :-

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The petitioner/Unknown who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 307, 324, 427, 447 and 506(ii) of IPC in Crime No.388 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1 to A4 along with one another came to the defacto complainant's house at about 11.30p.m., and abused the defacto complainant with filthy language and the accused threw the hollow bricks towards the defacto complainant's father. Hence, the defacto complainant's father sustained blood injuries and the accused also damaged the defacto complainant's car glass. Hence, complaint.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. He would further submit that he is not present at the place of occurrence and the petitioner's name is not mentioned in the FIR. Hence, he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner

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was present in the scene of occurrence and he damaged articles worth about Rs.30,000/-. The injured was discharged from the hospital. He objected to grant anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the name of the petitioner is not found in the FIR and also considering the fact that injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their 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) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.00 am.,
until further orders.

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[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

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

sd/-
30/08/2023

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

AAV



- 1 THE JUDICIAL MAGISTRATE
ERANIEL, KANYAKUMARI DISTRICT
- 2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGARKOVIL
- 3 THE INSPECTOR OF POLICE
ERANIEL POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MANOJ KUMAR, Advocate (SR-12981[I] dated 30/08/2023)

ORDER
IN
CRL OP(MD) No.15746 of 2023
Date :30/08/2023

SSA/VRS/01.09.2023/5P/6C

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