



CRL OP(MD). No.17198 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.17198 of 2023

Santhosh

... Petitioner/ Accused No.3

Vs

State represented by
The Inspector of Police,
V.K.Puram Station,
Tirunelveli District.
Crime No.257 of 2023.

... Respondent / Complainant

For Petitioner	:	M/s.Henritiphagne, Advocate
For Respondent	:	Mr.S.Manikandan Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.257 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 294(b), 387, 323 and 506 (2) of IPC, in Crime No.257 of 2023, on the file of the respondent police, seek



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anticipatory bail.

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2.The case of the prosecution is that on 02.08.2023 at about 8 p.m., the defacto complainant's son Karthik and his friend Pasupathi went to a shop to purchase goods. At that time, the accused persons waylaid them, abused and extracted money. When they stated that they are not having money, the accused persons caused assault. The also snatched the two wheeler bearing registration No.TN 27 K 1549. On the basis of the complaint, a case was registered in Crime No.257 of 2023.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case as third accused on the ground that he is one of the victims of the infamous occurrence of pulling the teeth by a higher police official. Because of his continuous legal action, FIRs have been continuously registered against this petitioner, his brother and his father. One among the false FIR is the present one.

4. Learned counsel for the petitioner has also produced a typed set of paper which shows the above facts. While I was sitting in the portfolio of dealing with the cases under Section 482 of Cr.P.C., I had an occasion to deal with an application concerning the above said issue. The entire fact has been brought to my notice while hearing the said matter and also perused the entire file on that occasion.



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5. Per contra, learned Government Advocate (Crl.side) would submit that the petitioner is one of the rowdy element continuously involving in several illegal activities, as such as robbery, extortion, etc. Because of his bad conduct only, the case has been registered.

6. When learned Government Advocate (Crl.side) tried to impress upon the Court about the conduct and previous antecedents of the petitioner, this Court is not inclined to appreciate if, stating that for the simple reason that eventhough the petitioner allegedly have some bad antecedents, on the basis of the background facts of the accused, the present FIR came to be registered, creates some doubts in the minds of the Court about the complaint. Without going into other aspects, when it has been brought to the notice of this Court that this petitioner was also one of the victims of the above said alleged assault by the top police officer, the FIR as mentioned above creates some genuine doubt in the minds of the Court. On that account, without going into other aspects, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Ambasamudram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two



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sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. 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/-
26/09/2023

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/10/2023

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

pnn
TO

1 THE JUDICIAL MAGISTRATE, AMBASAMUDRAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE INSPECTOR OF POLICE, V.K PURAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-14319[I] dated 27/09/2023)



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ORDER

IN

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Date :26/09/2023

RS/VRS/SAR-(12.10.2023) 5P 6C

Madurai Bench of Madras High Court is issuing
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