



CRL OP(MD). No.20170 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.20170 of 2023

Senkan @ Senkhan @ Senthilku,

... Petitioner/Sole Accused

Vs

State rep.by its
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
(Crime No.531/2023).

... Respondent/Complainant

For Petitioner : S.Sundarapandian,
Advocate.

For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.531/2023 on the file of the Respondent Police.



CRL OP(MD). No.20170 of 2023

WLB COPY
ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 427 and 506(ii) IPC in Crime No.531 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel over paying bus ticket, the petitioner herein has attacked the defacto complainant and also abused him in filthy language. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner herein is working in Army and he has damaged the mobile phone worth about Rs.10,000/- during the time of occurrence and he is not having any previous case. He would further submit that investigation of the case is pending and hence, strongly objected to granted bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and that he is not having any previous case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:



CRL OP(MD). No.20170 of 2023

WEB COPY

6. 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 of receipt of a copy of this order, before the learned, Judicial Magistrate V, Thirunelveli 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 on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner is directed to deposit a sum of Rs. 5,000/- (Rupees Five Thousand only) to the credit of crime No.531 of 2023 on the file of concerned Court without prejudice to his rights and contentions before the trial Court and produce the receipt / acknowledgment before the concerned Court while executing sureties;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 10 days and thereafter, as and when required for interrogation.



CRL OP(MD). No.20170 of 2023

WEB COPY

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

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

[f] 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 is 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].

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

sd/-
09/11/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp
TO

- 1.The Judicial Magistrate V, Thirunelveli.
2. Do through the Chief Judicial Magistrate, Tirunelveli



CRL OP(MD). No.20170 of 2023

3. The Inspector of Police,
Manur Police Station,
Tirunelveli District.

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

+1. CC to S.SUNDARAPANDIAN Advocate SR.No.16255

ORDER
IN
CRL OP(MD) No.20170 of 2023
Date :09/11/2023

SSA/JGB/(21.11.2023)/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.