



CRL OP(MD) No.1514 of 2024

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

Thursday, the First day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1514 of 2024

CHOKKALINGAM

... PETITIONER/1ST ACCUSED

Vs

THE SPECIAL SUB INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.
CR.NO.5/2024

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.MICHEAL SEBASTIN.B Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CR.NO.5/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 147, 148, 448, 294(b), 342, 427, 323 and



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506(1) of IPC, in Crime No.5 of 2024, seeks anticipatory bail.

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2.The case of the prosecution is that the defacto complainant is running a commercial business complex by name, 'Katpanal Lekshmi Complex'. On 05.01.2024, at about 11.15 a.m, on hearing the noise, the defacto complainant went to that direction and noticed that the petitioner along with other accused persons were breaking the CCTV Cameras. When the same was questioned by the defacto complainant, they abused him in filthy filthy language and started to attack him and caused injuries to him. At that time, the Manager, who came hearing the alarm of the defacto complainant, took video of the said occurrence. On seeing him, they also attacked him and broke his phone worth about Rs.30,000/-. Hence, the defacto complainant made a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the injured was discharged from the hospital and the co-accused was already released on anticipatory bail. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the investigation is still pending. However, he fairly conceded that the injured was discharged from the hospital the co-accused was already released on anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and the co-accused was already released on anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he 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 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



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(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(d) the petitioner shall not tamper with 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 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]; and;



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(g)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
01/02/2024

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/02/2024

Sub-Assistant Registrar (CS- I/ II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1.THE JUDICIAL MAGISTRATE II, NAGERCOIL.

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

3.THE SPECIAL SUB INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.1514 of 2024

Date :01/02/2024

RK/VR (06/02/2024) 5P / 5C

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