



CRL OP(MD) No.2896 of 2024

WEB COPY

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

Wednesday, the Twenty Eighth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2896 of 2024

SUNIL KUMAR @ SUNIL ARASU

... Petitioner / Accused No.1

Vs

1 THE INSPECTOR OF POLICE
VADASERY POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.42/2024)

... Respondent / Complainant

For Petitioner : M/s.S.Karthikeyan, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.42/2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police
for the alleged offence under Sections 294(b), 323, 379 and 506(1) IPC, in Crime
No.42 of 2024, seeks anticipatory bail.



CRL OP(MD) No.2896 of 2024

WEB COPY

2.The case of the prosecution is that on 15.02.2024, when the defacto complainant has loaded M.Sand in his vehicle and was proceeding towards Marthandam with pass, the tire of the vehicle got puncture near Aralvaimozhi and he went to the puncture shop and was talking with the owner of the shop. At that time, the petitioner and the other accused person came there and quarrelled with the defacto complainant and beaten him and snatched a sum of Rs.12,800/- and driving license from the defacto complainant. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is the Councilor of the Local panchayat and he has questioned the illegal transportation of mines by the defacto complainant, due to which, he made a false complaint against the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that eight previous cases are pending against the petitioner which are not heinous offences.

5. Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioner and the fact that previous cases pending against the petitioner are not heinous offences, this Court is inclined to grant



CRL OP(MD) No.2896 of 2024

anticipatory bail to the petitioner.

WEB COPY

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 No.II, Nagercoil, Kanyakumari District, 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:

(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 their 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 their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;



CRL OP(MD) No.2896 of 2024

WEB COPY

(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;

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

sd/-
28/02/2024

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

To

1.The Judicial Magistrate No.II,
Nagercoil, Kanyakumari District.

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.



CRL OP(MD) No.2896 of 2024

3.The Inspector of Police,
Vadasery Police Station,
Kanyakumari District.

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

+1 CC to M/s.S.KARTHIKEYAN, Advocate (SR-2619[I] dated 01/03/2024)

ORDER
IN
CRL OP(MD) No.2896 of 2024
Date :28/02/2024

ED/ VR /SAR- (04/03/2024) 5P / 6C

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