



CRL OP(MD) No.3227 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3227 of 2024

J.RAVI

... PETITIONER / ACCUSED NO.2

Vs

**THE INSPECTOR OF POLICE
BOOTHAPANDY POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.97 OF 2019.**

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.T.SEENI SYED AMMA Advocate

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

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

PRAYER:

TO ENLARGE THE PETITIONER ON ANTICIPATORY BAIL IN THE EVENT OF HIS ARREST OR SURRENDER IN CC.NO.64 OF 2019 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,BOOTHAPANDY IN CR.NO.97 OF 2019 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A2, who is facing trial for the offences punishable under



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Sections 294(b), 323 and 506(ii) of IPC in C.C.No.64 of 2019 on the file of the learned District Munsif cum Judicial Magistrate, Boothapandy, in Cr.No.97 of 2019, seek anticipatory bail.

2.The case of the prosecution is that at the time of examination in chief in C.C.No.64 of 2019 before the learned District Munsif cum Judicial Magistrate, Boothapandy, in order to wreak vengeance against the petitioner, P.W.1 and P.W.2 adduced false allegations against the petitioner and thereby, the learned Magistrate invoking Section 319 of Cr.P.C., added the name of the petitioner as accused in C.C.No.64 of 2019. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and his name was not mentioned in the FIR and pending trial in C.C.No.64 of 2019, based on the evidence of P.W.1 and P.W.2, the petitioner was added as accused in the charge sheet. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that initially, the petitioner was not arrayed as accused in Crime No.97 of 2019 and after filing the charge sheet, he was arrayed as an accused based on the evidence of P.W.1 and P.W.2. Hence, he vehemently opposed the grant of anticipatory bail to the petitioner.

5.Since the trial has commenced, the grant of anticipatory bail will not lie before this Court. Accordingly, on the sole ground, the present petition is dismissed.



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However, liberty is granted to the petitioner to workout his remedy in the manner known to law.

sd/-
29/02/2024

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

SJI
TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, BOOTHAPANDY
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
BOOTHAPANDY POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3227 of 2024
Date :29/02/2024

PKP/GS/SAR /15.03.2024/ 3P/ 5C
Madurai Bench of Madras High Court is issuing certified
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