



CRL OP(MD) No.3732 of 2024

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

Friday, the Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3732 of 2024

S.BIJU @ VIJU

... PETITIONER / ACCUSED No.2

Vs

THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION
KANYAKUMARI DISTRICT.
CRIME NO.36/2024.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MUNEESSWARAN.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 CRIME NO.36/2024 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 452, 294(b), 323 and 506(i) of IPC in Crime
No.36 of 2024, seeks anticipatory bail.



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2.The case of the prosecution is that due to the money dispute between the petitioner and son of the defacto complainant, on 29.01.2024 at about 11.30 p.m., the accused persons trespassed into the house of the defacto complainant, abused her using filthy language, assaulted her using wooden stick and also threatened her with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further, the injured is discharged from the hospital. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that injured is discharged from the hospital and the co-accused was granted bail by this Court. Further, six previous cases are pending against the petitioner, among which, one case is registered under Section 307 of IPC. Hence, he objected to grant anticipatory bail to the petitioner.



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5. Considering the facts and circumstances of the case and also considering the fact that the injured is discharged from the hospital and co-accused was granted bail by this Court. Hence, 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 No.II, Padmanabapuram, 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;



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

(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;

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

sd/-
08/03/2024

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

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TO
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- 1 THE JUDICIAL MAGISTRATE NO.II
PADMANABAPURAM, KANYAKUMARI DISTRICT.
- 2 DTTHE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
THIRUVATTAR POLICE STATION
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.MUNEESWARAN, Advocate (SR-2985[I] dated 08/03/2024)

ORDER
IN
CRL OP(MD) No.3732 of 2024
Date :08/03/2024

SS/VR/SAR- /15/03/2024/5P/6C

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