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CRL OP(MD). No.7025 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/05/2024

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

CRL OP(MD). No.7025 of 2024

S.Vignesh

... Petitioner/ Accused 2

Vs

The Inspector of Police,
Vadaseri Police Station,
Kanyakumari District.
Cr.No.96/2024.

... Respondent/Complainant

For Petitioner : Mr.A.MOHAMED RIYAZ, Advocate

For Respondent : Mr.M.VEERANTHIRAN
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 96/2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.96 of 2024, for the offences punishable under Sections 147, 148, 341, 294(b), 342, 323, 324 and 506(ii) IPC, has filed this petition seeking anticipatory bail.

<https://www.mhc.tn.gov.in/judis> 2 The case of the prosecution is that due to money dispute, on 13.04.2024,



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at about 07.00 p.m., the accused persons waylaid the defacto complainant and his brother, abused them with filthy language, assaulted them with knife and also threatened them with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent person, he has not committed any offence as alleged by the prosecution. In the said occurrence, the injured has been discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that due to money dispute, the alleged occurrence has taken place. However, the injured has been discharged from the hospital and the petitioner is not having any previous case pending against him.

5. Heard both sides.

6. This Court, while granting anticipatory bail in this matter, has taken into consideration (a) gravity of the crime, (b) character of the evidence, (c) position and status of the accused with reference to the victim and witnesses, (d) likelihood of the accused fleeing from justice and repeating the offence, (e) possibility of the accused (petitioner) tampering with the witnesses and obstructing the course of justice.

7. It is also settled law that at the time of consideration of anticipatory bail



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application, it is neither necessary nor desirable to weigh the evidence meticulously to arrive at a positive finding as to whether or not the accused (petitioner) has committed the alleged offences. What is to be seen is whether there is a reasonable ground for believing that accused (petitioner) is not guilty of the offences he is charged with.

8.The Court has to strike a balance between the rights of the accused (petitioner) to his liberty and the interest of the society. Liberty of an accused (petitioner) cannot be snatched unreasonably for an uncertain time only on the basis of mere allegations.

9. After taking into consideration the aforementioned factors, this Court is inclined to grant anticipatory bail to the petitioner subject to fulfilment of the conditions stipulated in paragraph No.10 by him.

10.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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 on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to 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)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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for interrogation;

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

(d)the petitioner shall not abscond either during investigation or trial;

(e)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 ;

(f)if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.



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11. Accordingly, this Criminal Original Petition is ordered.

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/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.II,
NAGERCOIL.

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

3 THE INSPECTOR OF POLICE,
VADASERI POLICE STATION,
KANYAKUMARI DISTRICT.

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

ORDER IN
CRL OP(MD) No.7025 of 2024
Date :08/05/2024

SA/JGB/SAR. /17.05.2024/5P/5C

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