



CRL OP(MD). No.7245 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/05/2024

PRESENT

The Hon`ble Mr.Justice **P. VADAMALAI**

CRL OP(MD). No.7245 of 2024

Meenashi Sundaram @ Ganesh @ Kundu Ganesh, ... Petitioner/ Accused

Vs

The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
Crime No.146 of 2024.

... Respondent/Complainant

For Petitioner : Mr.D.Padmanabhan,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.146 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 427 and 506(2)



CRL OP(MD). No.7245 of 2024

of IPC, in Crime No.146 of 2024, on the file of the respondent police, seeks anticipatory bail.

WEB COPY

2.The case of the prosecution is that due to enmity between the parties with regard to parking of the vehicle, the petitioner abused the defacto complainant in filthy language and damaged the defacto complainant's vehicle worth about Rs.5,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposes for the grant of anticipatory bail on the ground that due to enmity between the parties with regard to parking of the vehicle, the petitioner abused the defacto complainant in filthy language and damaged the defacto complainant's vehicle worth about Rs.5,000/- and further, the petitioner is having two previous cases. However, he fairly conceded that no one has been injured in this case.



CRL OP(MD). No.7245 of 2024

WEB COPY

5.Taking into consideration the facts and circumstances of the case and also the fact that no one has been injured in this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.146 of 2024 on the file of the learned Judicial Magistrate, Boothapandi, Kanyakumari District, without prejudice to his rights and contentions.

7.On such deposit being made, the petitioner 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, Boothapandi, 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 learned Magistrate concerned and on further conditions that:

[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



CRL OP(MD). No.7245 of 2024

Aadhaar card or bank pass book to ensure their identity.

WEB COPY

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with the 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 is 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/05/2024

/ TRUE COPY /

/05/2024

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

SJI



CRL OP(MD). No.7245 of 2024

TO
WEB COPY

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

+1 CC to M/s.D.PADMANABHAN, Advocate (SR-5484[I] dated 16/05/2024)

ORDER
IN
CRL OP(MD) No.7245 of 2024
Date :15/05/2024

SS/VR/SAR- /20/05/2024/5P/6C

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