



CRL OP(MD). No.8591 of 2024

WEB COPY

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

Date : 12/06/2024

PRESENT

The Hon`ble Mr.Justice **B.PUGALENDHI**

CRL OP(MD). No.8591 of 2024

Hebin @ Hevin Benziher,

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Thuckalay Police Station,
Kanniyakumari District.
(Crime No.86/2023).

... Respondent/Complainant

For Petitioner : Mr.S.Krishnan, Advocate

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.86/2023 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



CRL OP(MD). No.8591 of 2024

WEB COPY

connection with a case in Crime No.86 of 2023, for the offence punishable under Sections 294(b), 448 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of women Act, 2002, has filed this petition seeking anticipatory bail.

2. The case of the prosecution is that due to previous enmity, on 21.02.2023, the petitioner has trespassed into the defacto complainant's house, abused her using filthy language, assaulted her using iron road, threatened her with dire consequences, caused damages to the window glass and also taken away a sum of Rs.750/- from her house. Hence, the case.

3. The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that earlier, this Court has granted anticipatory bail to the petitioner herein with certain conditions. However, he has not complied with the same and therefore, on the application filed by the respondent police, seeking to cancel the anticipatory bail, and this Court, by order dated 09.11.2023, has cancelled the anticipatory bail, which was granted to the petitioner.

4. The learned counsel appearing for the petitioner submits that the petitioner's mother is a mentally retarded and therefore, the petitioner had taken her to Chennai



CRL OP(MD). No.8591 of 2024

for treatment. On this account, he could not comply with the condition. Hence, he prays for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent Police raised serious objections to grant the anticipatory bail stating that the petitioner is a history sheeted rowdy and he is having two previous cases to his credit.

6. Considering the facts and circumstances of the case and also considering the gravity of offence, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of his arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the concerned learned Judicial Magistrate on condition that

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Padmanabhapuram, Kanniyakumari District.**

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card



CRL OP(MD). No.8591 of 2024

or any other identity card issued by the government in proof of their residence address.

WEB COPY

(iii) The petitioner shall appear before the respondent police daily at 10.30 am and 05.00 pm until further orders for interrogation. He has to co-operate for the investigation and also, the petitioner should file an affidavit before the respondent police stating that he will not indulge in any offence in future.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
12/06/2024

/ TRUE COPY /

/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR
TO

1 THE JUDICIAL MAGISTRATE NO.I
PADMANABHAPURAM, KANNIYAKUMARI DISTRICT.

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



CRL OP(MD). No.8591 of 2024

3 THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION, KANNIYAKUMARI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.8591 of 2024
Date :12/06/2024

SS/JGB/SAR- /20/06/2024/5P/5C

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