



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14648 of 2021

1. Dinesh Thiruselvam
2. Livingston Samuel @ livingston Pattu ... Petitioners/Accused 1&2

Vs

The State rep by
The Inspector of Police,
Nazerath Police Station,
Thoothukudi District.
Crime No.167 of 2021).

... Respondent/Complainant

For Petitioners : Mr.Gershon Gnanapaul.D,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

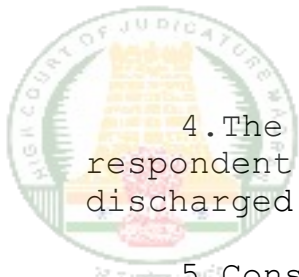
For Anticipatory Bail in Crime No.167 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offence punishable under Sections
294(b), 324, 323 and 506(ii) IPC r/w Section 4 of TNPHW Act, in
Crime No.167 of 2021, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive,
the petitioners abused the defacto complainant in filthy language
and also attacked him. Therefore, the present case came to be
registered.

3.The learned counsel for the petitioners submitted that the
petitioners are innocent persons and they have been falsely
implicated in this case.



4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the injured person has been discharged from the hospital.

5.Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam, on condition that the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

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

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
29/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
SATHANKULAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
NAZERATH POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.GERSHON GNANAPPAUL, Advocate (SR-6819[I] dated 01/10/2021)

ORDER

IN

CRL OP (MD) No.14648 of 2021

Date : 29/09/2021

VB/SKN/SAR-II/20.10.2021/3P/6C