



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3719 of 2022

1. Sudalaimani
2. Seethalakshmi

... Petitioners/Accused

Vs

State rep.by
The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
(Crime No.26/2022).

... Respondent/Complainant

For Petitioners : M/s.Suresh R.M., Advocate.

For Respondent : M/s.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

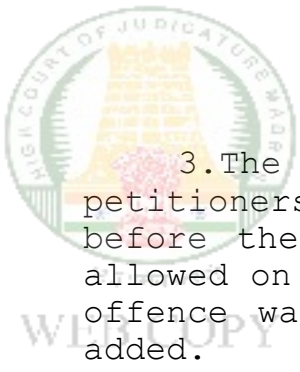
PRAYER :-

For Anticipatory bail in Crime No.26 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 341, 394(b), 323, 324 and 506(ii) of IPC @ 307 of IPC, in Crime No.26 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and others waylaid the de-facto complainant and attacked him with aruval and iron rod. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners have filed anticipatory bail in CrI.M.P.No.764 of 2022 before the Principal Sessions Judge, Tirunelveli and the same was allowed on 07.02.2022. After releasing the petitioners on bail, the offence was altered and the offence under Section 307 of IPC was added.

4.The learned Government Advocate (CrI. side) would submit that the injured was discharged from the hospital.

5.It is seen from the records that originally the FIR came to be registered for the offence under Sections 341, 394(b), 323, 324 and 506(ii) of IPC and at that time, the petitioners have filed an application seeking for anticipatory bail and the learned Principal Sessions Judge in CrI.M.P.No.764 of 2022 has granted anticipatory bail to the petitioners on certain conditions, vide order dated 07.02.2022. According to the learned counsel for the petitioners, now the offence was altered and the offence under Section 307 of IPC was added.

6.Considering the facts that there existed previous enmity between the parties, that the injured was discharged from the hospital and also the fact that except the offence under Sections 307 and 506(ii) of IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Radhapuram, on condition that the petitioners shall execute a 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter, as and when required for interrogation;

(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]**; and;

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

Sd/-
23/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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,
RADHAPURAM.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SURESH R.M. Advocate SR.No.8201

ORDER
IN
CRL OP(MD) No.3719 of 2022
Date :23/02/2022