



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10617 of 2022

1. Rathiesh

2. Rubin

... Petitioners/Accused

Vs

The State rep.by,
The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
Crime.No.145/2022.

... Respondent/Complainant

For Petitioner : M/s.Karthikeyavenkitachalapathy.M,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.145 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 324 of IPC @ into Sections 341, 294(b), 323, 324 and 506(ii) of IPC, in Crime No.145 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 19.05.2022, at about 10.00 p.m., while the de-facto complainant along with another person was riding a two wheeler vehicle, at that time, one car came and splashed water stagnant on the road due to the rain, on them. Further, the de-facto complainant stopped the car and questioned the occupants of the car, at that time, there was a wordy quarrel between them and some unknown persons scolded the de-facto complainant in filthy language and attacked him. Hence, the



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital and that the petitioners are having no previous case.

5.Considering the fact that there arose wordy quarrel between the parties and also the facts that the injured was already discharged from the hospital, that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and also the fact that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their 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 No.II, Kuzhithurai, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/06/2022

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/ TRUE COPY /

22/06/2022

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

SJI

TO

1. THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PUTHUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.KARTHIKEYAVENKITACHALAPATH Advocate SR.No.5556

ORDER
IN
CRL OP(MD) No.10617 of 2022
Date :15/06/2022

RK/JM/SAR-II/22.06.2022 : 3P/6C