



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD)No.15081 of 2022

1.Sudalaikannu
2.Murugan

...Petitioners/Accused
Nos.1 and 2

Vs

State rep.by
The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
(in Crime No.209 of 2022).

... Respondent/Complainant

For Petitioners : Mr.D.Venkatesh, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.209 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 506(ii) of IPC in Cr.No.209 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and another person scolded the defacto complainant with filthy language, attacked him and threatened him with dire consequences. A case in Crime No.209 of 2022 was registered under Sections 294(b), 323, 506 (ii) of IPC.



3. On the side of the petitioner it is stated that a false case was filed against the petitioner and pray the petitioners to be released on anticipatory bail.

WEB COPY

4. On the side of the prosecution it is stated that totally three accused were involved in the occurrence. The petitioners are accused Nos.1 and 2. There is a civil dispute pending between the second petitioner/A2 and the defacto complainant. Accused No.2 attacked the defacto complainant with stick. first petitioner/Accused No.1 is having two previous cases and the second petitioner / Accused No.2 is having three previous cases. He fairly admitted that the victim was discharged on 13.08.2022.

5. Considering the submissions of both sides, considering the nature of offences and considering the fact that the victim was discharged on 13.08.2022 itself, this Court is inclined to release the petitioners on anticipatory bail on the following conditions:

6. Accordingly, 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, Nanguneri, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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., for a period of two weeks 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 be present before the Court on hearing dates and before the respondent police as and when required;

[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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

/ TRUE COPY /

Sd/-
06/09/2022

/09/2022

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

pnn

TO

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

+1. CC to M/S.VENKATESH D Advocate SR.No.9723

ORDER
IN
CRL OP (MD) No.15081 of 2022
Date :06/09/2022

SP/VR/SAR II/09/09/2022/3P/6C