



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.15173 of 2022

1. Gopi
2. Esakkipandi
3. Raja

... Petitioners/Accused
Nos.1 to 3

Vs

1. State rep.by
The Inspector of Police,
Thatchanallur Police Station,
Tirunelveli District.
(Crime No.234/2022).

... Respondent/Complainant

- (*) 2. Raja

... 2nd Respondent/Defacto
Complainant

- (*) (R2-Suo Motu impleaded as per order
of the Hon'ble Court dated 24.08.22
in Crl.O.P.(MD)No.15173/2022 by GIJ)

For Petitioners : M/s.Gokul Raj S, Advocate.

For 1st Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

For 2nd Respondent : No Appearance

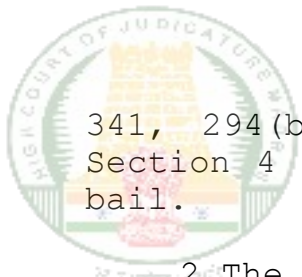
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Crime No.234/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections



341, 294(b), 323, 324, 307 and 506(ii) IPC r/w 109 of Section 4 of TNPWH Act, in Crime No.234 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to animosity, on 19.08.2022, at about 10.15 p.m., the petitioners attacked the de-facto complainant and one Nagarani with lethal weapon and abused them in filthy language. Due to which, the de-facto complainant sustained injury. Hence, the complaint.

3.The learned counsel for the petitioners would submit that pending anticipatory bail application before this Court, the first petitioner/A1 was already arrested and subsequently, he was released on bail. Hence, he seeks permission of this Court to not press this petition as against the first petitioner is concerned and he has also made an endorsement to that effect. In view of the same, this Criminal Original Petition is dismissed as not pressed as against the first petitioner.

4.The learned counsel would further submit that the petitioners 2 and 3 are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that a counter case in Crime No.233 of 2022 is pending against the de-facto complainant. Hence, he prays for anticipatory bail.

5.The learned Additional Public Prosecutor would submit that the injured was discharged from the hospital. The petitioners 2 and 3 are having two previous cases. Hence, he strongly opposed to grant anticipatory bail.

6.Considering the facts and circumstances of the case and also considering the fact that injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the second petitioners 2 and 3 with certain conditions.

7.Accordingly, the petitioners 2 and 3 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.IV, Tirunelveli, on condition that the petitioners 2 and 3 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 2 and 3 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 2 and 3 shall report before the Inspector of Police, Moontradaippu Police Station, Tirunelveli District, daily at 10.30 am until further orders.



(c) the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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/-

01/12/2022

/ TRUE COPY /

/12/2022

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

sj i

TO

1. THE JUDICIAL MAGISTRATE NO.IV,
TIRUNELVELI.

2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
THATCHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

4. THE INSPECTOR OF POLICE,
MOONTRADAIPPU POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.GOKUL RAJ S Advocate SR.No.14162

ORDER

IN

CRL OP(MD) No.15173 of 2022

Date : 01/12/2022