



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16139 of 2022

1. Saravana Kumar ... 1st Petitioner/1st Accused
2. Mariappan ... 2nd Petitioner/3rd Accused

Vs

The State rep.by
The Inspector of Police,
Kulathur Police Station,
Thoothukudi District.
(Crime No. 139 of 2022).

... Respondent/Complainant

For Petitioners : M/s.JERIN MATHEW.M., Advocate
For Respondent : Mr.M.VAIKKAM KARUNANITHI,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 139 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 506(ii) I.P.C, in Crime No.139 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 31.08.2022, the accused persons abused and assaulted the defacto complainant and also threatened him with dire consequences, in which, the defacto complainant sustained simple injury. Hence, the complaint.

3. On the side of petitioners, it is stated that petitioners are innocents and has not committed any offence as alleged by the prosecution. The co-accused was already enlarged on bail, injured also discharged from the hospital and prays to release the petitioners on anticipatory bail.

4.On the side of prosecution, the second petitioner is having one previous case under Tamil Nadu Prohibition Act and hence, prayed to dismiss the petition.



5. Considering the nature of the offence, that the injured was discharged from the hospital and that the co-accused already enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioners.

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6. Accordingly, this Criminal Original Petition is allowed and 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, Vilathikulam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) 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 petitioner shall report before the respondent police daily at 10.30 am 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/09/2022

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/09/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
KULATHUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.JERIN MATHEW.M Advocate SR.No.10105

ORDER

IN

CRL OP(MD) No.16139 of 2022
Date :14/09/2022

PNM

SA/SVR/SAR.2/19.09.2022/3P/6C