



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17729 of 2022

WEB COPY

1. Dhinesh @ Dhineshkumar
2. Siva @ Sivakumar
3. Kannan @ Lakshmi Narayanan ... Petitioners/Accused No.1 to 3

Vs

The State Rep.by
The Sub Inspector of Police,
Aralvoimozhi Police Station,
Aralvoimozhi,
Kanniyakumari District.
Crime No. 294 of 2022.

... Respondent/Complainant

For Petitioners : Mr.Pragalathan N,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 294 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b) and 323 of IPC and Section 4 of TN Prohibition of Harassment of Women Act, in Crime No.294 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners attacked the defacto complainant's son and when the same was questioned by the defacto complainant, the petitioners attacked him by using woodenlog and abused him. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case.



4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the injured is discharged from the hospital and no previous case is pending against the petitioners.

5.Considering the facts and circumstances of the case and the fact that the victim is discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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, Boothapandi, Kanniyakumari District, 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 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 on every Wednesday at 10.30 a.m., for a period of four 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 not abscond either during investigation or trial.

[f]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]**.

sd/-

06/10/2022

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/10/2022

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



TO

1. The Judicial Magistrate,
Boothapandi,
Kanniyakumari District.

2. -do-Through The Chief Judicial Magistrate,
Kanniyakumari at Nagercoil.

3. The Sub Inspector of Police,
Aralvoimozhi Police Station,
Aralvoimozhi,
Kanniyakumari District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-11053[I] dated
07/10/2022)

ORDER

IN

CRL OP(MD) No.17729 of 2022

Date :06/10/2022

RD/SVR(11/10/2022) 3P 6C