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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/10/2022
PRESENT

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

CRL OP(MD). No.18468 of 2022

1.Sivathanu @ Siva

2.Murugesh @ Murugesan ... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Aralvoimozhi Police Station,
Kanyakumari District.
Crime No. 301/2022.

... Respondent/Complainant

For Petitioners : M/s.George Paul Anto.L,
Advocate.

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

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

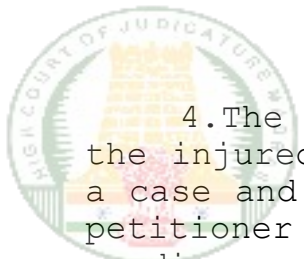
PRAYER :- For Anticipatory bail in Crime No.301 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 341, 294(b), 323 and 506(i) of IPC, in Crime No.301 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 09.10.2022, due to previous motive, when the defacto complainant was going for walking, the accused persons way laid him, abused him in filthy language, assaulted him and also threatened him. Hence, the complaint.

3. The learned counsel for the petitioners would submit that due to previous motive, a false case has been foisted against the petitioners and they are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that a case in counter has been registered against the defacto complainant in Crime No.302 of 2022.



4.The learned Government Advocate (Crl.Side) would submit that the injured has already been discharged from the hospital and it is a case and case in counter. He would further submit that the first petitioner is having one previous case and no previous case is pending against the second petitioner and the investigation in this case is still pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that injured has already been discharged from the hospital and it is a case and case in counter, 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 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, Boothapandy, Kanyakumari District, 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 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 a.m., until further orders;

(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/-

17/10/2022

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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,
BOOTHAPANDY, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
ARALVOIMOZHI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to M/S.GEORGE PAUL ANTO L Advocate SR.No.11523

ORDER

IN

CRL OP(MD) No.18468 of 2022
Date :17/10/2022

cp
SA/VR/SAR. /27.10.2022/3P/6C