



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 19/10/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.18657 of 2022

1. Highcourt Maharaja @ Maharaja,

2.Madasamy @ Kirran

3.Kavikumar

... Petitioners/Accused Nos.1 to 3

Vs

The State represented by
The Inspector of Police,
Kuruvikulam Police Station,
Tenkasi District.
(Crime No.159/2022)

... Respondent/Complainant

For Petitioners : M/s.Thalaimutharasu G,
Advocate.

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

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

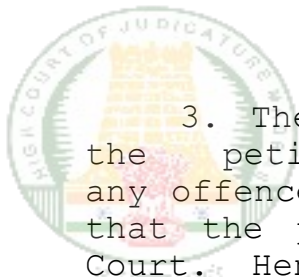
PRAYER :-

For Anticipatory Bail in Crime No.159/2022 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 294(b), 323 and 506(2) of IPC, in Crime No.159 of 2022, seek anticipatory bail.

2. The petitioners and the defacto complainant are residing same locality. The case of the prosecution is that on 11.10.2022, the defacto complainant went to eat at Pothiraj Hotel at Malayankulam. At that time, there was a wordy quarrel arose between the petitioners and the defacto complainant, due to which, the petitioners and other accused abused the defacto complainant in filthy language, attacked him and also threatened him with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners shall abide by any conditions imposed by this Court. Hence, they may be granted anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that the injured has already been discharged from the hospital. He would further submit that the first petitioner is not having any previous case. The second petitioner is having one previous case and the third petitioner is having three previous cases and investigation in this case is not yet completed. Hence, he strongly opposed for grant of anticipatory bail.

5. Considering the facts and circumstances of the case and considering the nature of offence and also the facts that the injured has been discharged from the hospital, 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, Sankarankovil, 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/-
19/10/2022

/ TRUE COPY /

WEB COPY

/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI.
 - 3 THE INSPECTOR OF POLICE
KURUVIKULAM POLICE STATION, TENKASI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.THALAIMUTHARASU G Advocate SR.No.11697

ORDER
IN
CRL OP(MD) No.18657 of 2022
Date :19/10/2022

SS/GB/SAR I /02/11/2022/ 3P 6C