



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/10/2022

PRESENT

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

CRL OP(MD).No.18894 of 2022

WEB COPY

1.Rasak Ali

2.Peer Mydeen

... Petitioners/

Accused rank not known

Vs

The State rep.by,
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
(Crime No.567/2022).

... Respondent/Complainant

For Petitioner : Mr.K.Navaneetharaja,
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.567/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
448, 294(b), 323, 324 and 506(2)IPC, in Crime No.567 of 2022, seek
anticipatory bail.

2.The case of the prosecution is that the petitioners and other
accused persons trespassed into the de-facto complainant's house and
attacked the de-facto complainant with Aruval and abused him in
filthy language and also threatened him. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the
petitioners are innocents and they have not committed any offence as
alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that
the injured was discharged from the hospital and the petitioners are
having no previous case. He would further submit that investigation
is still pending and hence, he strongly opposed to grant
anticipatory bail to the petitioners.



5. Considering the facts and circumstances of the case, so considering the fact that the injured was already discharged from the hospital and no previous case pending against the petitioners, 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 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.1, Thoothukudi 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 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 am 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/-

20/10/2022

/ TRUE COPY /

/11/2022

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

vsd



TO

1. THE JUDICIAL MAGISTRATE NO.1, THOOTHUKUDI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

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

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

+1 CC to M/s.K.NAVANEETHARAJA, Advocate (SR-11873[I] dated
26/10/2022)

ORDER

IN

CRL OP(MD) No.18894 of 2022

Date :20/10/2022

RK/SSS/SAR-1 (02/11/2022) 3P/6C