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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2022

PRESENT

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

CRL OP(MD). No.19529 of 2022

1. Madhu

2. Sanjay

... Petitioners/Accused 2 & 3

Vs

The State rep.by,
The Sub Inspector of Police,
Thevarkulam Police Station,
Tirunelveli District
Crime No.213/2022.

... Respondent/Complainant

For Petitioner : M/s.Muthupandian A.P.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.213/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323 and 506(ii) IPC, in Crime No.213 of 2022, seek anticipatory bail.

2.The case of the prosecution is that one of the juvenile accused Surya had sent obscene SMS to the wife of the de-facto complainant. That was questioned by the de-facto complainant. Due to which, on 25.10.2022 at about 01.30 a.m., the de-facto complainant came nearby northern side of Pillaiyar Kovil, at that time, the accused persons and the said Surya intervening the de-facto complainant, abused him in filthy language and attacked him and also threatened the de-facto complainant by showing



aruvai. Thereby, the de-facto complainant sustained injury to the complainant.

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 no previous case is pending against the petitioner. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was already discharged from the hospital and the petitioners are not having any bad antecedents, 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 Court No.III, Tirunelveli, 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/-
04/11/2022

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

SJI

TO

1.THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI

2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3.THE SUB INSPECTOR OF POLICE,
THEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT

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

+1 CC to M/s.A.P.MUTHUPANDIAN, Advocate (SR-12419[I] dated
04/11/2022)

ORDER
IN
CRL OP(MD) No.19529 of 2022
Date :04/11/2022

RK/SSS/SAR-1 (15/11/2022) 3P/6C