



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.19489 of 2022

1. Yesudasan

2. Stephen Britto

... Petitioners/Accused No.1 & 2

Vs

State Rep.by

The Inspector of Police,
K.V.Nallur Police Station,

Tenkasi District.

Crime No.425/2022

... Respondent/Complainant

For Petitioners : M/s.Veerapandi S P, 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.425/22 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),
324 and 506(i) of IPC, in Crime No.425 of 2022, seek anticipatory
bail.

2.The case of the prosecution is that the petitioners and the
defacto complainant are residing same locality. On 25.10.2022, due
to previous enmity, the petitioners abused the defacto complainant
with unparliamentary words, attacked him and also threatened him
with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that due
to previous enmity with regard to the money dispute, a false case
has been lodged against the petitioners. He would further submit
that a counter case in Crime No.424 of 2022 has been registered
against the defacto complainant and others. The petitioners are
innocents and they have not committed any offence as alleged by the
prosecution. Hence, they may be granted anticipatory bail.



4.The learned Government Advocate (Crl.Side) would submit that it is a case and case in counter and the injured has already been discharged from the hospital. He would further submit that the investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail.

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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 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, 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/-

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/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 DISTRICT.

3 THE INSPECTOR OF POLICE, K.V.NALLUR POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.P.VEERAPANDI, Advocate (SR-12436[I] dated 04/11/2022)

ORDER

IN

CRL OP(MD) No.19489 of 2022

Date :04/11/2022

CP

RS/TR/SAR.1(17.11.2022) 3P-6C