



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 11/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.20033 of 2022

WEB COPY

Mozes Prabhakaran @ Prabhu

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
Cr.No.496/2022.

... Respondent/Complainant

For Petitioner : M/s.Selvakumar S,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.496/2022 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of
the respondent police for the offences punishable under Sections
448, 294(b), 427, 506(i) IPC r/w. Section 4 of TNPHW Act in
Cr.No.496 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel,
the petitioner and other accused have attacked the defacto
complainant with iron rod and caused injuries and also damaged the
bike the belonging to the defacto complainant. Hence, the
complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is innocent and he has not committed any offence as
alleged by the prosecution and his name has been falsely implicated
in this case.

4.The learned Government Advocate(Crl.Side) would submit that
the injured was discharged from the hospital and the A2 have already
been released on bail. He would further submit that the



investigation of the case is pending and he strongly objects to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and that the co-accused was released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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 petitioner shall report before the respondent police daily at 10.00 am until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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



1. The Judicial Magistrate No.I, Tirunelveli.
2. -do-Through The Chief Judicial Magistrate,
Tirunelveli City.
3. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.20033 of 2022
Date :11/11/2022

RD/SSS/SAR-II (23/11/2022) 3P 5C