



WEB COPY

CRL OP(MD). A



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2022

PRESENT

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

CRL OP(MD). No.21102 of 2022

1. Mokkaian,

2. Kannan, ... Petitioners/Accused Rank Not Known

Vs

The Inspector of Police,
Gandamanur Police Station,
Theni District.
(Cr No.41/2022).

... Respondent/Complainant

For Petitioner : M/s.Senguttuarasan 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 Cr No.41/2022 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 294
(b), 324 and 506(ii) IPC in Crime No.41 of 2022, seek anticipatory
bail.

2.The case of the prosecution is that when the defacto
complainant was driving a two wheeler near Erathimakkalpatti E
Service Center, unexpectedly it moved towards a boy and woman, who
were walking along the side of the road. Suddenly, they have moved
from that place and nothing happened to them. At that time, the
petitioners, who were present in the road side, said to have abused
the defacto complainant and the billion rider in filthy language and



attacked them with stick and caused injuries to them. He filed a complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit that the injured was discharged from the hospital and no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that totally 2 accused are involved in this case. The petitioners were arrayed as A1 & A2. The injured was discharged from the hospital and no previous case is pending against the petitioners. 5 witnesses have been examined in this case. However, considering the gravity of the offence and the investigation is still pending, 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 discharged from the hospital, no bad antecedent is reported against the petitioners and 5 witnesses have been examined in this case, 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, Andipatti, Theni 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 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:

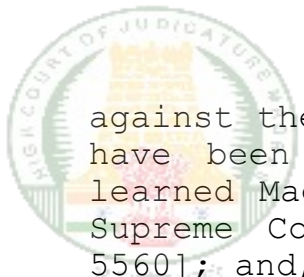
a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am and 5.30 pm 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 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/-
29/11/2022

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/12/2022

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

DSS

TO

1. The Judicial Magistrate Court,
Andipatti, Theni District..
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Inspector of Police,
Gandamanur Police Station, Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.SENGUTTUARASAN, Advocate (SR-14079[I] dated 01/12/2022)

ORDER
IN
CRL OP(MD) No.21102 of 2022
Date : 29/11/2022

TR/VR/SAR-II (07.12.2022) 3P 6C