



WEB COPY

CRL OP(MD).A



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2022

PRESENT

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

CRL OP(MD). No.21138 of 2022

1. Mukesh,

2. Vignesh,

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Jegathapattinam Police Station,
Pudukkottai District.
Crime No.90 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Lenin Kumar T,Advocate.

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

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

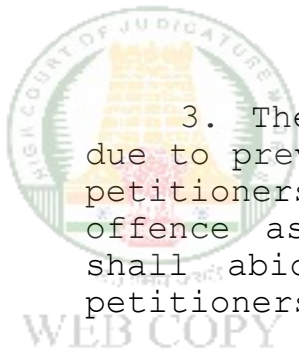
PRAYER :-

For Anticipatory Bail in Crime No.90 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 324 and 506(ii) of IPC, in Crime No.90 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioners abused the defacto complainant, 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, this false case has been foisted against the petitioners and they are innocents and they have not committed any offence as alleged by the prosecution. However, the petitioners shall abide any condition imposed by this Court. Hence, the petitioners may be granted anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the injured has already been discharged from the hospital. He would further submit that the second petitioner is having one previous case and the investigation is not yet completed. Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the facts that injured has already been discharged from the hospital, 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, Aranthangi, 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;



WEB COPY

CRL OP(MD).A



22

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/11/2022

/ TRUE COPY /

/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ARANTHANGI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.
- 3 THE INSPECTOR OF POLICE
JEGATHAPATTINAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-14098[I] dated 01/12/2022)
ORDER
IN
CRL OP(MD) No.21138 of 2022
Date :30/11/2022

cp
PKP/SSS/SAR-1/14.12.2022/3P/6C