



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2022

PRESENT

WEB COPY

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

CRL OP(MD). No.21272 of 2022

Magesh

... Petitioner/Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
(Crime No.186/2022).

... Respondent/Complainant

For Petitioner : M/s.Jerin Mathew M,
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.186/2022 on the file of the Respondent Police.

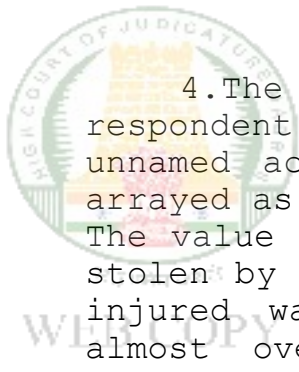
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 452, 294(b), 307, 427 and 506(2) and 380 IPC, in Cr.No.186 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity between the parties, on 29.10.2022, the accused persons unlawfully assembled with weapons, abused the de-facto complainant and her husband by using filthy language, attacked them with aruval and threatened them with dire consequences and also damaged the household articles, vehicles, agricultural equipments and also taken away Rs.45,000/- kept in the house. Hence, the case.

3.The learned counsel for the petitioner would submit that based on the confession statement of the co-accused, the petitioner has been arrayed as accused in this case and he is innocent and he has been falsely implicated in this case. He would further submit that A7 was already granted bail by this Court dated 24.11.2022 in Crl.O.P.(MD)No.21272 of 2022. Hence, he prays for anticipatory bail.

<https://www.mhc.tn.gov.in/judis>



4.The learned Government Advocate (Crl. side) appearing for the respondent police would submit that nine named accused and six unnamed accused are involved in this case and the petitioner is arrayed as A3. A1 and A2 were already arrested and still in custody. The value of the damages is Rs.21,70,000/- and cash Rs.45,000/- was stolen by the accused. The stolen amount is not yet recovered. The injured was discharged from the hospital. The investigation is almost over. However, considering the gravity of offence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that injured was already discharged from the hospital and the co-accused has already been granted 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, Radhapuram, 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 is directed to deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.186 of 2022 before the learned Judicial Magistrate, Radhapuram, Tirunelveli**, within a period of two weeks, without prejudice to his rights and contentions, failing which, the anticipatory bail granted to the petitioner shall stand automatically cancelled;

(c)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

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

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;



(g)if the accused thereafter absconds, a fresh FIF be registered under Section 229-A IPC.



sd/-
01/12/2022

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/12/2022

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

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TO

1 THE JUDICIAL MAGISTRATE,
RADHAPURAM.

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

3 THE INSPECTOR OF POLICE
RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-14277[I] dated 02/12/2022)

ORDER
IN
CRL OP(MD) No.21272 of 2022
Date :01/12/2022

sj i
MK/SSS/SAR 1/16.12.2022/3P/6C