



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.05.2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8465 of 2023

Kani @ Mukthar Kani

... Petitioner/Accused No.2

Vs.

State rep. by
The Inspector of Police
Devipattinam Police Station,
Ramanathapuram District.
Crime No.114 of 2023.

... Respondent/Complainant

For Petitioner : Mr.K.Rajesh, Advocate.
For Respondent : Mr.M.Muthu Manickkam
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.114 of 2023 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 147, 148, 294(b), 323, 324 and 506(ii) IPC and Section 4 of TNPHW Act, 2022 in Crime No.114 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that due to previous motive, the petitioner and other accused have attacked the defacto complainant and abused him in filthy language, threatened him with dire consequences. Hence the complaint.

3. On the side of the petitioner, it is stated that the petitioner has not committed any offence as alleged by the prosecution. Due to previous motive, a false complaint has been given against the petitioner and prayed the petitioner to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that the co-accused has already been granted anticipatory bail and the injured



was discharged from the hospital.

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

6. This Criminal Original Petition is allowed and the petitioner is are 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 Additional Mahila Court, Magistrate Level, Ramanathapuram, 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 10.30 am for a period of four weeks and thereafter, as and when required for interrogation.

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

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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, FIR can be registered under Section 229-A IPC.

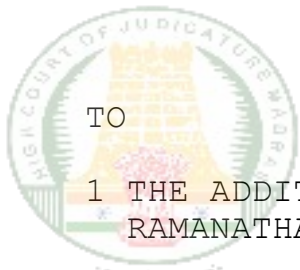
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04/05/2023

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



TO

1 THE ADDITIONAL MAHILA JUDGE, MAGISTRATE LEVEL,
RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE, DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.8465 of 2023

Date :04/05/2023

RS/VR/SAR-4(08.05.2023) 3P 5C