



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

Date : 10.05.2023

PRESENT

The Hon`ble Mrs.Justice **R.KALAIMATHI**

CRL OP(MD) . No.8710 of 2023

Ebi Felix ... Petitioner / Sole Accused

Vs

The State represented by
The Inspector of Police,
Tirunelveli Town City Police Station,
Tirunelveli.
(Crime No.142 of 2023)

... Respondent / Complainant

For Petitioner : Mr.R.Senthilkumar, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.142 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 279, 308 and 338 IPC and Section 185 of Motor Vehicles Act, 1988, in Crime No.142 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.04.2023 at about 09.00 a.m., while the defacto complainant was standing in KTC bus terminus for gone to work in his two wheeler bearing Registration No.TN-72-BQ-8263, the petitioner had driven his two wheeler bearing Registration No.TN-72-BD-5661 in a rash and negligent manner and dashed against the defacto complainant's two wheeler and as a result of which, the defacto complainant has sustained injuries on his leg. Hence, the complaint.



3. Heard both sides and perused the materials available on record including the First Information Report.

4. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court-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 learned Magistrate concerned and on further conditions that:

(a) the petitioner shall deposit a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** by way of Demand Draft drawn in favour of the defacto complainant directly and on production of proof/acknowledgement the learned Magistrate shall accept the sureties furnished by the petitioner;

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(d) the petitioner shall not tamper with the 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 is 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 / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/05/2023

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

CSM

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



To

1.The Judicial Magistrate No.I,
Tirunelveli.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Tirunelveli Town City Police Station,
Tirunelveli.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.SENTHILKUMAR.R Advocate SR.No.7287(I), dated
11.05.2023.

ORDER

IN

CRL OP(MD) No.8710 of 2023

Date :10/05/2023

ED/BUC/SAR-4 (12/05/2023) 3P 6C