



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

Date : 18/05/2023

PRESENT

The Hon`ble **Mrs.Justice T.V.THAMILSELVI**

CRL OP(MD) . No.9008 of 2023

1.Nadesh @ Pathrakali
2.Ganesan @ Katta Ganesan : Petitioners/Accused No.1 & A2

Vs

State rep.through
The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
(Crime No.61 of 2023) : Respondent/Complainant

For Petitioners: Mr.N.Pragalathan,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

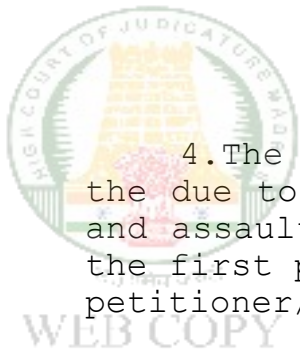
For Anticipatory Bail in Crime No.61 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC, in Crime No.61 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was previous enmity between the petitioners and the defacto complainant, due to which, the petitioners abused the defacto complainant with obscene words and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that they are innocent persons and they have not committed any offence as alleged by the prosecution.



4.The learned Government Advocate (Crl.Side) would submit that the due to previous enmity, the accused persons said to have abused and assaulted the defacto complainant. He would further submit that the first petitioner/A1 is having four previous cases and the second petitioner/A2 is having seventeen previous cases.

5.Considering the facts and circumstances of the case and also considering the fact that the second petitioner is having seventeen previous cases, this Court is not inclined to grant anticipatory bail to the second petitioner. Accordingly, the Criminal Original Petition is dismissed in respect of the second petitioner concerned.

6. Considering the facts and circumstances of the case and also the nature of the dispute between the parties, this Court is inclined to grant anticipatory bail to the first petitioner/A1 with certain conditions.

7.Accordingly, the second petitioner/A1 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, Cheranmahadevi, Tirunelveli District, on condition that the first petitioner/A1 shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties **(of which one shall be a blood related surety)** each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the first petitioner/A1 and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the first petitioner/A1 shall report before the respondent police daily at 10.30 am for a period of two months and thereafter, as and when required for interrogation.

(c)the first petitioner/A1 shall not tamper with the evidence or witness either during investigation or trial;

(d)the first petitioner/A1 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;



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

sd/-
18/05/2023

WEB COPY

/ TRUE COPY /

/05/2023

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

das

To

- 1.The Judicial Magistrate,
Chenranmahadevi, Tirunelveli District.
- 2.Do through the Chief Judicial Magistrate,
Tirunelveli.
- 3.The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-7490[I] dated 18/05/2023)

ORDER
IN
CRL OP(MD) No.9008 of 2023
Date : 18/05/2023

NA/CG/SAR- /23.05.2023/3P/6C