



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/05/2023
PRESENT

WEB COPY

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

CRL OP(MD) . No.9094 of 2023

1.Sivaperumal

2.Sankilipandi

... Petitioners/Accused 2 & 3

Vs

State rep.through
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.204 of 2023)

... Respondent/Complainant

For Petitioners: Mr.M.Prabu, Advocate

For Respondent : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

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

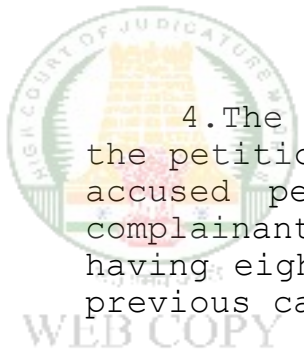
PRAYER :- For Anticipatory Bail in Crime No.204 of 2023 on the file of the Respondent Police.

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, 307 and 506(ii) of IPC, in Crime No.204 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused persons in drunken mode, at that time, there was a wordy quarrel arose between the petitioners and the defacto complainant, due to which, the petitioners attacked the defacto complainant's head by using beer bottle and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the 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 at the petitioners are arrayed as A2 & A3. Due to previous enmity, the accused persons said to have abused and assaulted the defacto complainant. He would further submit that the first petitioner/A2 is having eight previous cases and the second petitioner is having two previous cases.

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

6. Considering the facts and circumstances of the case and also the fact that the injured has discharged from the hospital, this Court is inclined to grant anticipatory bail to the second petitioner/A3 with certain conditions.

7.Accordingly, the second petitioner/A3 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 No.II, Kovilpatti, Thoothukudi District, on condition that the second petitioner/A3 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 second petitioner/A3 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 second petitioner/A3 shall report before the respondent police daily twice at 10.00 am and 05.30 pm for a period of one month and thereafter, as and when required for interrogation.

(c)the second petitioner/A3 shall not tamper with the evidence or witness either during investigation or trial;

(d)the second petitioner/A3 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

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/ TRUE COPY /

24/05/2023

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

DAS

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRABU.M Advocate SR.No.7700 **(I)** Dt.19/05/2023

ORDER

IN

CRL OP(MD) No.9094 of 2023

Date :18/05/2023

SA/BUC/SAR. /24.05.2023/3P/6C