



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

Date : 24/05/2023

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CRL OP(MD) . No.9482 of 2023

Jose Antony

... Petitioner/1st Accused

Vs

The State rep. by
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
(Crime No.161 of 2023).

... Respondent/Complainant

For Petitioner : Mr.Venkatesh.D,
Advocate.

For Respondent : Mr.R.Suresh Kumar
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.161 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/1st accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 342, 294(b), 323, 506(i) and 379 of IPC, in Crime No.161 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running a food deliver agency at Tenkasi and the petitioner is working as a food delivery agent at a shop namely Thoppivappa Briyani Shop. The defacto complainant owes a sum of Rs.8,500/- to that said shop and the petitioner was insisting to make payment. On 01.05.2023, the petitioner insisted the amount, there was wordy quarrel between them. The petitioner abused the defacto complainant with filthy language, attacked with a helmet and also threatened him with dire consequences. While leaving the place, the petitioner took



away the motor cycle of the defacto complainant along with Rs.28,000/- theft in the Tank pouch.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the above said amount Rs.8,500/- was paid by the petitioner to the defacto complainant.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the injured was already discharged from the hospital and there is no previous case registered against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the fact that the injured was already discharged from the hospital and there is no previous case registered against the petitioner, 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 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, Tenkasi, 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 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner 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 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]**.



CRL OP(MD).



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/05/2023

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

INDU

TO

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

+1 CC to M/s.VENKATESH.D, Advocate (SR-7829[I] dated 25/05/2023)

ORDER
IN
CRL OP(MD) No.9482 of 2023
Date : 24/05/2023

NA/VR/SAR-2/29.05.2023/3P/6C