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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11852 of 2023

1. Vinoth

2. Ajay

... Petitioners/Accused No.1,2

Vs

The State represented by
The Inspector of Police,
Panagudi Police Station,
Tirunelveli.

(Crime No.304 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Murugan.R,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.304 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324, 506(ii) and 379 of I.P.C., in Crime No.304 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 27.05.2023 at around 10.00 a.m., when the de-facto complainant went to Kulathankarai near Kavalkinaru Railway Station for drinking alcohol, the accused and two identified persons intercepted the de-facto complainant, attacked him with liquor bottle and taken away his mobile phone, RS.3,000/- cash, crown (drums) and abused him in filthy language. Hence, the case.



3. Heard. Perused the materials available on record including the First Information Report.

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

5. Accordingly, the petitioners shall pay a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) each to the de-facto complainant directly by way of demand draft without prejudice to their rights and contentions. The petitioners shall produce the proof of payment to the Magistrate while executing sureties.

6. On producing the proof of the same, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Valliyoor, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners 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;

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

[d] the petitioners 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].

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

sd/-

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/07/2023

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



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1 THE JUDICIAL MAGISTRATE,
VALLIYOOR.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI.

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

+1 CC to M/s.R.MURUGAN, Advocate (SR-9989[I] dated 30/06/2023)

ORDER

IN

CRL OP (MD) No.11852 of 2023

Date :30/06/2023

SS/06/07/2023/3P/6C