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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16893 of 2023

1. S. Nagaraj,
2. V.Appu @kamal,
3. N.Jegadeshwaran,

... Petitioners/ Accused Rank Not Known

Vs

The State rep. by
The Inspector of Police,
Kulasekarapattinam Police Staiton,
Thoothukudi District.
(Crime No.192/2023).

... Respondent/ Complainant

For Petitioner : M/s.Appaji C K M,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.192/2023 on the file of the Respondent Police.



ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 294(b), 324, 506(ii) of IPC, in Crime No.192 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 03.09.2023, at about 09.45 a.m., when the defacto complainant was walking on the side of the Tharuvaikulam Konar Burial Ground Main Road, Kulasekarapattinam, three unknown persons moving in a two wheeler slow down the vehicle and enquired the defacto complainant about the route to Tirunelveli. Suddenly they got down from the vehicle and started attacking the defacto complainant with deadly weapons and caused injuries. At that time, the defacto complainant called his friends over phone. When his friends came, the accused persons fled away from the place of occurrence. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He prays anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the first accused in this is having 30 previous cases and the second petitioner is having 20 previous cases against him. The third petitioner is not having any previous case. Hence, he opposed the grant of anticipatory bail to the petitioners.

5. Considering the nature of offence and the previous antecedents of the petitioners 1 and 2, this Court is not inclined to grant anticipatory bail to them. This Court is inclined to grant anticipatory bail to the third petitioner alone.

6. Accordingly, this Criminal Original Petition is allowed in respect of the third petitioner alone and the third petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Thiruchendur, on condition that the third 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 the third petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The third petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The third petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which,

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



the petition for anticipatory bail stands dismissed.

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8. This Criminal Original Petition stands dismissed in respect of the petitioners
1 and 2.

sd/-
22/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Tm

TO

1. The Judicial Magistrate, Thiruchendur.
2. Do-Through The Chief Judicial Magistrate,
Thoothukudi District.
3. The Inspector of Police,
Kulasekarapattinam Police Staiton,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.K.M.APPAJI, Advocate (SR-14092[I] dated 25/09/2023)



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ORDER
IN
CRL OP(MD) No.16893 of 2023
Date :22/09/2023

SSA/DD/06.10.2023/5P/6C

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