



CRL OP(MD)No.17898 of 2023

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

Date : 10.11.2023

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

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1.Ponnusamy
2.Ganesan

... Petitioners / Accused Nos. 1 & 2

Vs.

State rep by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukuid District.
(Crime No.482 of 2023)

... Respondent / Complainant

For Petitioners : Mr.R.Anand, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.482 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused 1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and



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506(2) IPC, in Crime No.482 of 2023, on the file of the respondent police, seek anticipatory bail.

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2. The case of the prosecution is that on 30.09.2023 at about 10.00 p.m., the first petitioner passed urine in the plot adjacent to the de-facto complainant's house. When the same was questioned by the defacto complainant, the petitioners along with another person assaulted the defacto complainant by using sticks and abused him with filthy language and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the injured has been discharged from the hospital, hence he seeks bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the injured has been discharged from the hospital. He would further submit that Accused No.2 was arrested on 01.10.2023 and Accused No.3 was already granted anticipatory bail.

5. The learned counsel appearing for the petitioner submitted that the second petitioner/Accused No.2 was arrested on 01.10.2023 and seeks permission of this Court to not press this petition in respect of the second petitioner and has also made



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an endorsement to that effect.

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6. In view of the endorsement made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as not pressed in respect of the second petitioner/ Accused No.2.

7. Taking into consideration the facts and circumstances of the case and also the fact that the injured has already been discharged from the hospital and Accused No.3 has already been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

8. Accordingly, the first 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District, 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 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 first 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 Aadhar card or Bank pass Book to ensure their identity;



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(b)the first petitioner shall report before the respondent police weekly twice i.e., on every Saturday and Sunday at 10.30 a.m for a period of six weeks and thereafter, as and when required for interrogation;

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

(d)the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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/first petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/11/2023

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/11/2023

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

VSD



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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.R.ANAND, Advocate (SR-16242[I] dated 10/11/2023)

ORDER

IN

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Date :10/11/2023

ED/JGB/SAR- (16/11/2023) 5P / 6C

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