



CRL OP(MD)No.20432 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

CRL OP(MD)No.20432 of 2023

Thowbeek @ Thoufic,

... Petitioner/ Accused No.1

Vs.

The Inspector of Police,
K.Pudur Police Station,
Madurai City.
(Crime No.466 of 2023)

... Respondent/Complainant

For Petitioner : Mr.K.Sathish Kumar
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.466 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the



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respondent police for the offences punishable under sections 294(b), 324 & 506(i) of IPC in Crime No.466 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 05.11.2023 at about 7.30 p.m, the petitioner along with other accused persons sitting in the defacto complainant's auto and smoking. When the same was questioned by the defacto complainant's father, the accused persons abused the defacto complainant's father by using filthy language and attacked him with stone on his head. At that time, the defacto complainant's brother went to rescue his father from the accused persons, they attacked him with stone and also threatened the defacto complainant and his family members with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the injured has been discharged from the hospital, hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the injured was discharged from the hospital. He would further submit that investigation of the case is pending and hence, strongly objected to granted bail to the petitioner.



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5. Taking into consideration of the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital, 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 on which the order copy made ready, before the learned Judicial Magistrate No.6, Madurai, 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 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;

(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 evidence or witness either during investigation or trial;



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(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 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/11/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD
TO

1. The Judicial Magistrate No.6, Madurai.
2. Do through the Chief Judicial Magistrate, Madurai.
- 3.The Inspector of Police,
K.Pudur Police Station,
Madurai City.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.20432 of 2023
Date :10/11/2023

SSA/(21.11.2023)/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.