



CRL OP(MD) No.77 of 2024

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

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.77 of 2024

1 MOHANA ARUNAGIRINATHAN @ SIVAGIRI

2 SIVA ADITHYA

... Petitioners / Accused Rank not known

Vs

THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT,
(CRIME NO.561/2023)

... Respondent / Complainant

For Petitioners : M/s.S.Ramakrishnan, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (CrI. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.561/2023 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners/Rank Not Known, who apprehend arrest at the hands of the
respondent police for the alleged offence under Sections 294(b), 323, 324, 427 and



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506(ii) of IPC in Crime No.561 of 2023, seek anticipatory bail.

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2.The case of the prosecution is that on 23.12.2023, at about 08.20 p.m, the defacto complainant along with his friend went to buy dinner near by a Hotel opposite to TASMACH shop at Thikkanamcode-Mulagumoodu Main Road and parked his two wheeler in front of the Hotel. After buying dinner, when he was trying to take his two wheeler, the petitioners herein said to have prevented the defacto complainant stating that how he parked his two wheeler very close to their parked two wheeler and abused him with filthy language and attacked him with their hands and iron rod and caused injury to him and also caused damage to his bike worth about Rs.10,000/-. Hence, the defacto complainant lodged a complaint before the Law Enforcing Authority.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and since the defacto complainant is a practicing Advocate, they have been falsely implicated in this case. He further submitted that the injured was discharged from the hospital. Further, he is ready and willing to deposit a sum of Rs.10,000/- to the credit of Crime Number. Thereafter, the said amount may disburse to the defacto complainant without prejudice to their rights and prayed for granting anticipatory bail.



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4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners are come forward to deposit a sum of Rs.10,000/-, this Court may consider the anticipatory bail application of the petitioners.

5.Considering the facts and circumstances of the case and since the petitioner is come forward to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) without prejudice to their rights and contentions to show their bona fide, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, 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 of receipt of a copy of this order, before the learned Judicial Magistrate-I, Padmanabhapuram, Kanyakumari District, on condition that the petitioners 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 and on further condition that:

(a) the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the Credit of Crime No.561 of 2023 before the said Court, before executing bond. Upon receipt of such deposit, the learned Judicial Magistrate-I,



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Padmanabhapuram, Kanyakumari District, shall disburse a sum of Rs.10,000/-
directly to the defacto complainant.

(b)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the first petitioner 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 and the the second petitioner shall report before the respondent police as and when required for interrogation;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioners shall not abscond either during investigation or trial;

(g)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



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Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(h)if the accused thereafter absconds, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
04/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1.The Judicial Magistrate No.I,
Padmanabhapuram, Kanyakumari District.

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

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

+1 CC to M/s.S.RAMAKRISHNAN, Advocate (SR-286[I] dated 08/01/2024)

ORDER IN
CRL OP(MD) No.77 of 2024
Date :04/01/2024



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ED/ JGB /SAR- (09/01/2024) 6P / 6C

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