



CRL OP(MD) No.2940 of 2024

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

Monday, the Twenty Sixth day of February Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.2940 of 2024

V.MUKESH KANNAN

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
THAZHAMUTHUNAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.
CR.NO.20/2024

... RESPONDENT/COMPLAINANT

For Petitioner : MR.R.L.DHILIPAN PANDIAN, 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.20/2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323 and 506(1) IPC in Crime No.20 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that due to the property dispute between the petitioner and the defacto complainant, on 30.01.2024, the petitioner abused the defacto complainant in filthy language and also threatened him with dire



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consequences. Hence this complaint.

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3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner and the defacto complainant are father and son.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that there is no previous case pending against the petitioner and no one has sustained injury in this case. He further submitted that instead of filing the complaint under Senior Citizen Act, the defacto complainant filed a complaint before the respondent police.

5.Considering the facts and circumstances of the case, considering the relationship between the parties and the fact that no one has sustained injury in this case, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial Magistrate Court No.II, Thoothukudi, 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



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police or the police officer who intends to arrest or to the satisfaction of the learned

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Magistrate concerned and on further condition that:

(a)if the petitioner 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;

(b)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;

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

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

(e)the petitioner shall not abscond either during investigation or trial;

(f)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;



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

sd/-
26/02/2024

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/03/2024

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

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TO

- 1 THE JUDICIAL MAGISTRATE NO.II, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE, THAZHAMUTHUNAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-2475[I] dated 28/02/2024)

ORDER IN
CRL OP(MD) No.2940 of 2024
Date :26/02/2024

RS/GS/SAR-(07.03.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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