



CRL OP(MD) No.4873 of 2024

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

Thursday, the Twenty Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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BABU

... PETITIONER/ ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
ARALVAIMOZHI POLICE STATION,
ARALVAIMOZHI,
KANYAKUMARI DISTRICT.
(CRIME NO.259/2023).

... RESPONDENT/COMPLAINANT

For Petitioner : MR.A.S.ABUL KALAAM AZAD, Advocate
for M/S.SPICY LAW FIRM

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.259/2023 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

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



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the alleged offence punishable under Sections 294b, 353, 332, 341 and 506(ii) IPC in
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Crime No.259 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Police Constable and there was previous enmity between him and the accused persons. On 13.10.2023, at about 09.00 pm., when the defacto complainant was standing in front of the Royal Restaurant, Aralvaimozhi, he was attacked by the accused. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that this Court already granted anticipatory bail to the co-accused. Accordingly, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that there is no serious allegations made against the petitioner, this court is



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inclined to grant anticipatory bail to the petitioner with certain conditions.

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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 of receipt of a copy of this order, before the learned Judicial Magistrate, Boothapandi, Kanyakumari 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 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 daily at 10.30 a.m. daily at 10.30 am., until further orders;

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



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(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;

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

sd/-
28/03/2024

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/04/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS



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TO
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- 1.THE JUDICIAL MAGISTRATE, BOOTHAPANDI, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
- 3.THE INSPECTOR OF POLICE
ARALVAIMOZHI POLICE STATION,
ARALVAIMOZHI,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4873 of 2024
Date :28/03/2024

RK/JGB (17/04/2024) 5P / 5C
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