



CRL OP(MD). No.7305 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.05.2024

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.7305 of 2024

Kaveri Raja

... Petitioner/3rd Accused

Vs

The Inspector of Police,
Bodi Town Police Station,
Theni District.
(Crime No.126/2024)

... Respondent/Complainant

For Petitioner : Mr.M.Jerin Mathew, Advocate.

For Respondent : Mr.P.Kottaichamy, Government Advocate (Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime No.126/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 294(b) and 307 IPC in Crime No.126 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to previous motive, on 21.04.2024 at

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



CRL OP(MD). No.7305 of 2024

7.45 a.m., when the defacto complainant came near RMTC bus depot, the petitioner and other accused came from Auto bearing registration No.TN 60 W 6581 and abused the defacto complainant and also assaulted him. Due to which, the defacto complainant sustained grievous injury. Hence, the case has been registered.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner will never abscond and will not tamper the witnesses and also ready to abide by any condition imposed by this Court and hence, he seeks to grant bail to the petitioner.

4. The learned Government Advocate (Crl side) would submit that the injured discharged from the hospital and there is no previous case pending against the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the injured discharged from the hospital and that there is no previous case is pending against the petitioner, 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



CRL OP(MD). No.7305 of 2024

the order copy made ready, before the learned Judicial Magistrate, Bodinaykkanur on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 and 5.00 pm until further orders;

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

(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;



CRL OP(MD). No.7305 of 2024

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

sd/-
15/05/2024

/ TRUE COPY /

/05/2024

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

trp
TO

- 1 THE JUDICIAL MAGISTRATE, BODINAYAKKANUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE, BODI TOWN POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-5465[I] dated 16/05/2024)

ORDER IN
CRL OP(MD) No.7305 of 2024
Date :15/05/2024

RS/GS/SAR-(21.05.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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