



CRL OP(MD). No.7412 of 2024

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

Date : 22.05.2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.7412 of 2024

Shiyam Prasad

... Petitioner/ Accused No.2

Vs

The Sub-Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District-627002.
(Crime No.285 of 2024.)

... Respondent

For Petitioner : Mr.K.Lenin, Advocate

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.285 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-



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The petitioner/ A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 307, 427, 506(ii) IPC, in Crime No.285 of 2024, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons wrongfully restrained the defacto complainant, attacked him, scolded him using filthy language and also threatened him with dire consequences. Hence, the complaint.

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. Actually, on 08.05.2024, when the petitioner and his friends were standing on the road, the defacto complainant drove his mini van in a rash and negligent manner in a drunken mood and when the same was questioned by the petitioner his friends, quarrel arose between them. Hence, he prays to allow this petition.

4.The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the injured is discharged from the hospital. Hence, he has no objection to allow this petition.

5.Taking into consideration the facts and circumstances of the case and also the facts that the injured is discharged from the hospital, this Court is inclined to



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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 No.I, Tirunelveli, Tirunelveli 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 learned Magistrate concerned and on further conditions 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 Aadhaar 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 15 days and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with the 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 is released on bail by



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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].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/05/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

To

- 1.The Judicial Magistrate No.I,
Tirunelveli, Tirunelveli District.
- 2.Do through the Chief Judicial Magistrate,
Tirunelveli District.
- 3.The Sub Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District-627002.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER



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IN
CRL OP(MD) No.7412 of 2024
Date :22/05/2024

ED/ VR /SAR- (28/05/2024) 5P / 5C

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