



CRL OP(MD). No.7482 of 2024

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

Date : 24/05/2024

PRESENT

THE HON'BLE MRS JUSTICE S.SRIMATHY

CRL OP(MD). No.7482 of 2024

1.Ratheesh

2.Reji

... Petitioners/ Accused No.2 & 3

Vs

The Sub Inspector of Police,
Nithiravilai Police Station.
Kanniyakumari District
(Crime No.81 of 2024.)

... Respondent/Complainant

For Petitioners : Mr. B.Arun Prasanth, 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.81 of 2024 on the file of the respondent police.



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ORDER: The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 324 and 506(ii) of IPC in Crime No.81 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 15.04.2024, the petitioners, who came in a Car bearing Registration No.TN 75 AM 1616 restrained the defacto complainant, abused him in a filthy language and slapped him, due to which, he fell down and sustained injuries. The further case of the prosecution is that when the same was questioned by the villagers, the petitioners attacked them with an iron rod and wooden logs. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the defacto complainant and others have attacked the petitioners and caused injuries to them. However, a false case has been foisted as against the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the petitioners are having three previous cases each pending to their credit and the investigation is yet to be completed. He further submits that the injured persons have been discharged from the Hospital.

5. Heard the learned counsel for the petitioners and also the learned



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Additional Public Prosecutor.

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6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 No.II, Kuzhithurai, Kanyakumari on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

- a) the petitioners 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 petitioners report before the respondent police daily at 10.30 a.m, until further orders for interrogation.
- c) the petitioners shall not tamper with the evidence or witness either during investigation or trial.
- d) the petitioners shall not abscond either during investigation or trial.
- e) On breach of any of the aforesaid conditions, the learned



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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 are 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].

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

sd/-
24/05/2024

/ TRUE COPY /

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

VRN

To

- 1.The Judicial Magistrate No.II,
Kuzhithurai, Kanyakumari.
- 2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
- 3.The Sub Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.



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

ORDER
IN
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Date :24/05/2024

ED/ JGB /SAR- (29/05/2024) 5P / 5 C

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