



CRL OP(MD). No.7726 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.7726 of 2024

(*)Jegan Kumar

... Petitioner/ Accused No.2

versus

The Sub Inspector of Police,
Boothapandy Police Station,
Kanyakumari District.
In Crime No.73/2024

... Respondent/ Complainant

For Petitioner : Mr.Niranjana S.Kumar,
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.73 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 307, 324, 326, 341 and 506(ii)



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IPC, in Crime No.73 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 12.04.2024 at 5.15 p.m., due to previous enmity regarding the criminal case which is pending before the Judicial Magistrate Court, Boothapandy, when the defacto complainant came near the Manathittal Petrol Bulk in a two wheeler as a pillion rider, the accused along with his brother/A1 attacked him with aruval and caused injuries and also criminally intimidated him. Hence, the case.

3. The learned Government Advocate (Crl. Side) submits that the injured has not been discharged from the hospital as on 22.05.2024. Therefore, he opposes for grant of anticipatory bail to the petitioner.

4. 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. He further submits that the defacto complainant has sustained only simple injuries and for that injuries, he cannot be in the hospital as in-patient for the past one month.

5. Considering the facts and circumstances of the case and also considering the nature of offence, this Court is 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, Boothapandy, 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 appear before the respondent Police daily at 10.30 a.m. for a period of four weeks 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 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].



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

sd/-
24/05/2024

(*)Amended as per order of this Hon'ble Court in CRL MP(MD).6359/2024 in CRL OP(MD).7726/2024 dated 25/06/2024

Time granted in the order, dated 24.05.2024, is extended for a period of four weeks from today.

/ TRUE COPY /

/06/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY
TO

1. THE JUDICIAL MAGISTRATE COURT,
BOOTHAPANDY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.

3. THE SUB INSPECTOR OF POLICE,
BOOTHAPANDY POLICE STATION,
KANYAKUMARI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC TO MR.NIRANJAN S.KUMAR, ADVOCATE, SR-6901[I] Dated 25/06/2024



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ORDER

IN

CRL OP(MD) No.7726 of 2024

Date :24/05/2024

RK/VR (30/05/2024) 5P / 5C

RS/JGB (28/06/2024) 5P / 6C

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