



CRL OP(MD). No.7723 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

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1. Siva Alais Uchi Mahali,

2. Rajagopal,

... Petitioners/ Accused Nos.1 & 3

Vs

The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli
Crime No.130/2024).

... Respondent/Complainant

For Petitioners : Mr.M.S.Jeyakarthik,
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.130/2024 ON THE FILE OF THE
RESPONDENT POLICE

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for



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the alleged offences punishable under Sections 294(b), 323, 324 and 506(2) IPC in Crime No.130 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was wordy quarrel arose between the petitioners and the *defacto* complainant. Due to which, the petitioners herein abused the *defacto* complainant by using filthy language and they also attacked him and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the injured has already been discharged from the hospital. He would further submit that two previous cases are pending against the petitioners.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that the injured has already been discharged from the hospital,



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this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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6. 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 Magistrate, Nanguneri, 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 shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.



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[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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

sd/-
23/05/2024

/ TRUE COPY /

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

TSG

TO

1 THE JUDICIAL MAGISTRATE
NANGUNERI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.



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3 THE INSPECTOR OF POLICE
MOONDRADAIPPU POLICE STATION, TIRUNELVELI

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-5668[I] dated 23/05/2024)

ORDER
IN

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Date :23/05/2024

SS/JGB/SAR- /29/05/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023