



CRL OP(MD). No.7831 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/05/2024

PRESENT

The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CRL OP(MD). No.7831 of 2024

1. Esakkimuthu Alias Kumar

2. Sakthivel

... Petitioners/ Accused No.1 & 2

Vs

The Sub Inspector of Police,,
Cheranmahadevi Police Station,
Tirunelveli District.
(Crime No. 181/2024).

... Respondent/Complainant

For Petitioner : Mr.S.Sundarapandian, Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 181 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/ A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323,324 and 506(ii) of IPC, in Crime No.181 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity the petitioners herein along with other accused said to have abused the defacto complainant in filthy language, assaulted him and also threatened with dire consequences, hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution, hence he seek anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners herein along with other accused said to have abused the defacto complainant in filthy language, assaulted him and also threatened with dire consequences. Hence, he objected to grant anticipatory bail to the petitioners. However he fairly concedes that the injured was treated as out patient.

5. Considering the facts and circumstances of the case and also the fact that the injured was treated as out patient, this Court is inclined to grant anticipatory



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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 Judicial Magistrate, Cheranmahadevi, Tirunelveli District on condition that the petitioner 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 four weeks and thereafter as and when required 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 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



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bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble

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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/-
29/05/2024

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

AAV

To

- 1.The Judicial Magistrate,
Cheranmahadevi, Tirunelveli District.
- 2.Do through the Chief Judicial Magistrate,
Tirunelveli District.
- 3.The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.7831 of 2024
Date :29/05/2024



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ED/ JGB/SAR- (03/06/2024) 5P / 5C

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