



CRL OP(MD). No.9964 of 2024

WEB COPY

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

Date : 05/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.9964 of 2024

P.Maharasa

... Petitioner/Unnamed Accused

Vs

The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.235 of 2024)

... Respondent/Complainant

For Petitioner : Mr.G.Sarath Kumar,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.235 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 436, 427 and 506(2) of IPC and Section 3 or Tamil Nadu Public Property)Prevent of Damage & Loss) Act, 1992 and Section 3 of Explosive Substances Act, 1908, in Cr.No.235 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that due to previous motive between the parties,

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.9964 of 2024

WEB COPY

the petitioner along with other accused are said to have abused the defacto complainant in filthy language and also assaulted him with aruval and hurling petrol bomb to the defacto complainant and caused injuries to him. Further, damaged the vehicle worth about Rs.5,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that it is a case and case in counter and the injured was discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that totally 19 accused are involved in this case. The petitioner is having 2 previous cases and the investigation is pending. However, he fairly conceded that it is a case and case in counter and the injured was discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the facts that it is a case and case in counter and the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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.2, Kovilpatti,



CRL OP(MD). No.9964 of 2024

Thoothukudi 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c) the petitioner shall not tamper with 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 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]; and;



CRL OP(MD). No.9964 of 2024

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section

WEB COPY
229-A IPC.

sd/-
05/07/2024

/ TRUE COPY /

/07/2024

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

dss

TO

- 1 THE JUDICIAL MAGISTRATE NO.2, KOVILPATTI, THOOTHUKUDI DISTRICT.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE, KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.SARATH KUMAR, Advocate (SR-7622[I] dated 08/07/2024)

ORDER IN
CRL OP(MD) No.9964 of 2024
Date : 05/07/2024

RS/JGB/SAR-(18.07.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023