



CRL OP(MD). No.10844 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.10844 of 2024

L Anthony Raj,

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
Crime No. 163 /2024..

... Respondent/Complainant

For Petitioner : Mr.C.Muthusaravanan,
Advocate.

For Respondent : Mr.M.Vaikkam Karunnithi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 BNSS / 438 Cr.P.C.,

PRAYER :-

For Anticipatory Bail in Crime No. 163 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



CRL OP(MD). No.10844 of 2024

police for the offences punishable under Sections 296(b), 118(1) and 351(3) of BNS, 2023 in Cr.No.163 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that due to the wordy quarrel, the petitioner herien has attacked the defacto complainant with stick and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) would submit that the defacto complainant has sustained only simple injury and there is no previous case pending against the petitioner. He would further submit that the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the defacto complainant has sustained only simple injury, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



CRL OP(MD). No.10844 of 2024

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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, Kuzhithurai, 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 for a period of two weeks and thereafter, as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



CRL OP(MD). No.10844 of 2024

WEB COPY

(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;

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

sd/-
19/07/2024

/ TRUE COPY /

/07/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE NO.2
KUZHITHURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANNIYAKUMARI DISTRICT AT NAGERCOIL.



CRL OP(MD). No.10844 of 2024

3 THE INSPECTOR OF POLICE
NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.C.MUTHU SARAVANAN, Advocate (SR-8151[I] dated 19/07/2024)

ORDER
IN
CRL OP(MD) No.10844 of 2024
Date :19/07/2024

SS/GS/SAR- /30/07/2024/5P/6C

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