



CRL OP(MD). No.11222 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2024

PRESENT

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

CRL OP(MD). No.11222 of 2024

1. S. Subramaniyapillai,

2. S.Subash,

... Petitioners/ Accused(Rank not Known)

Vs

1. The Inspector of Police,
Kanyakumari Police Station.
Crime No. 441/2024..

2. V. Jagatheesh

... Respondents/Complainants

For Petitioners : M.Sankar,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 BNS / 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.441 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/ accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(B), 115(2), 118(1), 351(2) Of BNS in Crime No.441 of 2024, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioners herein have attacked the defacto complainant and also threatened him with dire consequences. Hence, the complaint.

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

4.The learned Government Advocate(Crl.Side) would submit that it is a case and counter case and the injured was discharged from the hospital and there is no previous case pending against the petitioners.

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

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 No.I, Nagercoil District,



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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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation;

(c) the petitioners shall not tamper with 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 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;



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

sd/-
23/07/2024

/ TRUE COPY /

/08/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
KANYAKUMARI POLICE STATION.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.11222 of 2024
Date :23/07/2024

MGJ/VR/07.08.2024/5P/6C

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