



CRL OP(MD). No.11313 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2024

PRESENT

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

CRL OP(MD). No.11313 of 2024

1. R.Iyyappan,

2. K.Balakrishnan,

... Petitioners/ Accused Nos.2&3

Vs

The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
Crime No. 186/2024.

... Respondent/Complainant

For Petitioners : M/s. Vinothkumar.B,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 186 of 2024 on the file of the respondent Police.



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ORDER : The Court made the following order :-

The petitioners/ A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of BNS, in Crime No.186 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the son of the defacto complainant and the son of the defacto complainant's brother-in-law, went to the pig farm of A1. On seeing the same, the petitioners said to have abused them in filthy language and assaulted them and caused injuries. 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. He would further submit that the injured was discharged from the hospital and no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that the investigation is in preliminary stage. But, however, he fairly conceded that the injured was discharged from the hospital and no previous case is pending against the petitioners.



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5.Considering the facts and circumstances of the case and also considering the facts that the injured was discharged from the hospital and bad antecedent is reported against the petitioners, 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 their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the (*) Judicial Magistrate Court, Valliyoor, 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;



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(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;

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

sd/-
24/07/2024

(*) Amended as per order of this Hon'ble Court in CRL MP(MD)NO.8986 of 2024 in CRL OP(MD). 11313/2024 dated 30.08.2024.

Extended for a period of two weeks from the date of receipt of amended copy of this order.

/ TRUE COPY /

/09/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO
TO BE SUBSTITUTED WITH THE ORDER ALREADY DATED 24/07/2024
ALREADY DESPATCHED.

(*) 1 THE JUDICIAL MAGISTRATE,
VALLIYOOR.



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2 THE JUDICIAL MAGISTRATE,
RADHAPURAM.

3 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI

4 THE INSPECTOR OF POLICE
PAZHAVOOR POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. CC to M/S. VINOTHKUMAR.B Advocate SR.No.8592

ORDER
IN
CRL OP(MD) No.11313 of 2024
Date :24/07/2024

MGJ/AS/05.08.2024/5P/6C
PSP/ GS /SAR /09.09.2024/ 5P/ 7C
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