



CRL OP(MD). No.11474 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2024

PRESENT

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

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Jothilingam,

... Petitioner/ Accused No.1

Vs

The Sub Inspector of Police,
Arumuganeri Police Station, Arumuganeri,
Thoothukudi District.
Crime No. 244 of 2024.

... Respondent/Complainant

For Petitioner : M/s. Pragalathan.N,
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. 244 of 2024 on the file of the respondent Police.



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ORDER: The Court made the following order :-

The petitioner/ A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 74 and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023, in Cr.No.244 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner threw a stone on the house of the defacto complainant. When the same was questioned by the defacto complainant, he along with other accused abused the defacto complainant in filthy language and attacked her with knife and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the injured was discharged from the hospital and no previous case is pending against the petitioner. Further, the co-accused was already released anticipatory bail by the Court below. 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, no previous case is pending against the petitioner and the co-accused was already released anticipatory bail by the Court

below

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



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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, no bad antecedent is reported against the petitioner and the co-accused was already released anticipatory bail, 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 Court, Tiruchendur, 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 a.m, for a period of two weeks and thereafter, as and when required for interrogation;



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(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;

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

sd/-
25/07/2024

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR,
THOOTHUKUDI.



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2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE SUB INSPECTOR OF POLICE

ARUMUGANERI POLICE STATION, ARUMUGANERI,
THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. PRAGALATHAN.N Advocate SR.No.8620

ORDER

IN

CRL OP(MD) No.11474 of 2024

Date :25/07/2024

MGJ/GS/06.08.2024/5P/6C

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