



CRL OP(MD). No.11608 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

CRL OP(MD). No.11608 of 2024

Mukilan,

... Petitioner/ Accused No.2

Vs

Inspector of Police,
Theni Police Station,
Theni District.
(Crime No 289 of 2024).

... Respondent/Complainant

For Petitioner : Veerapandi P,
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 289 of 2024 on the file of the Respondent Police



CRL OP(MD). No.11608 of 2024

ORDER: The Court made the following order :-

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The petitioner/ A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 118(1) and 351(3) of BNS, in Cr.No.289 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has illegal intimacy with A1's brother's wife. When the defacto complainant went to A1's brother's house, the petitioner along with other accused are said to have abused the defacto complainant in filthy language and attacked him with iron rod, wooden and 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, A1 was already released on bail. 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 A1 was already released on bail.



CRL OP(MD). No.11608 of 2024

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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 A1 was already released on 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, Theni, 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 three weeks and thereafter, as and when required for interrogation;

(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;



CRL OP(MD). No.11608 of 2024

(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 /

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

TO

- 1 THE JUDICIAL MAGISTRATE
THENI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 INSPECTOR OF POLICE
THENI POLICE STATION,
THENI DISTRICT.



CRL OP(MD). No.11608 of 2024

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

+1. CC to VEERAPANDI P Advocate SR.No.8584

ORDER
IN
CRL OP(MD) No.11608 of 2024
Date :25/07/2024

MGJ/GS/07.08.2024/5P/6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.