



CRL OP(MD). No.15838 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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- | | |
|----------------------------|--------------------------------|
| 1. Bala Gowtam, | ... Petitioners/ Accused No. 1 |
| 2. Manoj, | ... Petitioners/ Accused No. 3 |
| 3. Vasim @ Mohammed Vasim, | ... Petitioners/ Accused No. 4 |

Vs

The State of Tamil Nadu,
Rep by the Sub Inspector of Police,
Eral Police Station,
Thoothukudi.
(Crime No. 171/2024).

... Respondent/Complainant

For Petitioners : M/s. Veera Raghul, Advocate.
For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 171/2024 on the file of the respondent
Police.

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ORDER : The Court made the following order :-

The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 126(2) 296(b), 115(2), 118(1) and 351(3) of BNS 2023, in Crime No.171 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are said to have been in a drunken mood and had tried to park the vehicle in opposite side and when the de facto complainant sought to question, they attacked the defacto complainant as well as damaged his vehicle of value of Rs.3,000/- .Hence, the complaint.

3. Heard the learned counsel on either side and perused the material records of the case.

4. Considering the facts and circumstances of the case and also considering the nature of the offence that the petitioners are said to have been in in a drunken mood and had tried to park the vehicle in opposite side and when the de facto complainant sought to question, they attacked the defacto complainant as well as damaged his vehicle of value of Rs.3,000/- and considering the fact that the injured was discharged from hospital, I am inclined to enlarge the petitioners on bail to the petitioners with certain conditions.

5. Accordingly, this Petition is allowed and as undertaken by the learned counsel for the petitioners, the petitioners shall pay a sum of Rs.3,000/- (Rupees



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Three Thousand only) to the credit of Crime No.171 of 2024 before the Judicial Magistrate No.II, Srivaikundam, Thoothukudi, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgement before the learned Judicial Magistrate No.II, Srivaikundam, Thoothukudi .

6. On production of such receipt, 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.II, Srivaikundam, Thoothukudi, 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) As undertaken by the learned counsel for the petitioners, the petitioners shall file an undertaking affidavit that the petitioners shall also report before the De Addiction Centre attached to the Rajaji Government Hospital, Madurai and the Centre shall verify whether the petitioners have any habit of regularly consuming alcohol and if so, treat them in as per their procedures and the said fact can be



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monitored by the Investigating Officer.

(c) 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;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

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

sd/-
20/09/2024

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

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TO
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- 1 THE JUDICIAL MAGISTRATE
NO.II, SRIVAIKUNDAM, THOOTHUKUDI.
- 2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
ERAI POLICE STATION, THOOTHUKUDI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15838 of 2024
Date :20/09/2024

PSP/ GS /SAR /27.09.2024/ 5P/ 5C

Madurai Bench of Madras High Court is issuing certified
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