



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/03/2020

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PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4354 of 2020

Selvam ... Petitioner/ Sole Accused

Vs

The State Rep by
The Sub-Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
Cr No.45/2020.

... Respondent/Complainant

For Petitioner : M/s.R.Vinoth Bharathi,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

for Anticipatory bail in Crime No.45 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323 and 506(ii) of IPC seeks anticipatory bail.

2. The petitioner herein, employed in a grocery shop. Nearby the defacto complainant is running a Tea Stall. On 03.03.2020 when the defacto complainant went to the petitioner shop and asked for "boost pocket", the petitioner herein politely informed the defacto complainant that boost pocket was out of stock. Infuriated by the said reply, the defacto complainant picked quarrel with the



petitioner and in the said quarrel, the petitioner pushed the defacto complainant to the ground.

3. Whereas, in the complaint it is stated that the petitioner/accused refused to sell boost and when defaco complainant questioned the same he behaved like the owner of the shop. The petitioner got infuriated and the defacto complainant returned back to shop. After closing the tea shop at about 10.00p.m., when the defacto complainant was returning to his home along with his wife, the accused/petitioner followed him and hit him on the head with wooden log. The defacto complainant sustained injuries and got admitted in the hospital on 03.03.2020 and got discharged on 08.03.2020.

4. The petitioner state that the complaint is false and he would also submit that the petitioner is ready to produce substantial sureties and co-operate with the investigation.

4. On cumulative assessment of the facts, this Court is inclined to grant anticipatory bail to the petitioner on condition.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ambasamudram on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition 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 stay at Tirunelveli and report before the Tirunelveli Town Police Station daily at 10.00 a.m and 5.00p.m until further orders.

[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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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

TO

1. THE JUDICIAL MAGISTRATE,
AMBASAMUDRAM.
2. DO THORUGH- THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI.
4. THE SUB INSPECTOR OF POLICE,
ALWARKURICHI POLICE STATION,
TENKASI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1.CC to M/S.R.VINOTH BHARATHI Advocate(SR-10943(F)dated 10/03/2020)

ORDER
IN
CRL OP(MD) No.4354 of 2020
Date :10/03/2020

AAV
SRS/ PN/ SAR-III/ 13.03.2020/ 3P/7C