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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 08/12/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.14291 of 2020

Karthick @ Karthiesan

... Petitioner/Sole Accused

Vs

The State rep. by  
The Inspector of Police,  
Kovilpatti East Police Station,  
Thoothukudi District.  
Crime No. 1028 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.Prabu,  
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,  
Government Advocate (Criminal Side)

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

**PRAYER :-**

For Anticipatory Bail in Crime No.1028 of 2020 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal Side) appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 427 and 506(ii) of I.P.C. and Section 4 of TNPPDL Act, in Crime No.1028 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that due to money dispute, the petitioner and the grandson of the defacto complainant went to the house of the defacto complainant and demanded a sum of Rs.5,00,000/-.



accused attacked him and damaged his window. The damage is to the tune of Rs.2,000/-. Hence, the complaint.

4.The learned counsel appearing for the petitioner submitted that due to civil dispute, the defacto complainant lodged a false complaint against the petitioner.

5.The learned Government Advocate (Criminal Side) submitted that totally five accused namely, one named accused and four unnamed accused. The injured person has been discharged from the hospital.

6.Considering the facts and circumstances of the case and the fact that the injured person was discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand Only) to the defacto complainant directly and on producing of acknowledgement, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Kovilpatti, 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 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 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;

(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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
08/12/2020

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

**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I,  
KOVILPATTI,  
THOOTHUKUDI DISTRICT.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,  
KOVILPATTI EAST POLICE STATION,  
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.14291 of 2020  
Date :08/12/2020

IAS  
SRS/JC/SAR-III/11.12.2020/3P/5C