



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

Date : 28/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10319 of 2021

Manimaran, ... Petitioner/Sole Accused

Vs

STATE REP BY

The Sub Inspector of Police,
Kariapatti Police Station,
Kariapatti,
Virudhunagar District.
Cr.No. 97 of 2021.

... Respondent/Complainant

For Petitioner : M/s.A.Murugaboopathi,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

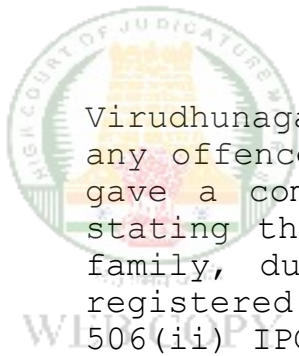
For Anticipatory Bail in Crime No.97 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 294(b), 323 and 506(i) IPC, in Crime No.97 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that On 15.07.2021 at 17.30 hrs., the petitioner came to the defacto complainant's house, verbally abused him, attacked him with wooden log and caused injuries.

3. The learned counsel for the petitioner submits that the
<https://hcservices.courts.gov.in/hcservices/> working as Police Constable in Armed Reserve in



Virudhunagar District. He is an innocent and he has not committed any offence as alleged by the prosecution. In fact, the petitioner gave a complaint against the defacto complainant on the same day stating that his brother was attacked by the defacto complainant's family, during the wordy quarrel in the village and the same was registered as Crime No.98 of 2021 under Sections 147, 148, 324 and 506(ii) IPC. Hence, he prayed for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

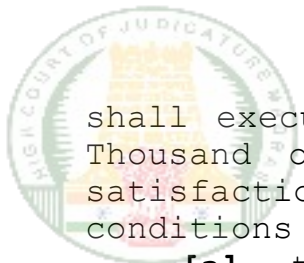
5. A reading of the FIR discloses that the petitioner is working as Police in Armed Reserve and taking advantage of his position, he misbehaved with a woman in the village. The defacto complainant questioned the same, for which, on the date of occurrence, the petitioner, in a drunken mood, assaulted the defacto complainant and his wife. Hence, the present complaint.

6. Considering the allegations levelled against the petitioner, this Court, vide order dated 27.08.2021, directed the learned Additional Superintendent of Police, Virudhunagar District, to conduct an enquiry and file a report.

7. Pursuant to the order of this Court, today, the Additional Superintendent of Police, Virudhunagar District filed the enquiry report stating that this petitioner, on the date of occurrence, was in a drunken mood and also quarrelled with the defacto complainant and caused injuries. He further states that since both the petitioner and the defacto complainant are close relatives, they have also amicably solved their issues and also made a request to the Investigating Agency not to proceed further with the complaint. However, considering the conduct of the petitioner, the Superintendent of Police, Virudhunagar District, has directed the Deputy Superintendent of Police, Armed Reserve, Virudhunagar District, to conduct preliminary enquiry against the petitioner for the involvement in this case. Based on the preliminary enquiry, the departmental disciplinary action would be initiated against the petitioner. The preliminary enquiry report is still awaited from the preliminary enquiry officer.

8. Considering the fact that the defacto complainant has come forward to withdraw the complaint and also considering the fact that based on the preliminary enquiry report, the departmental disciplinary action will be initiated against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

9. Accordingly, the Criminal Original Petition is allowed. The petitioner is directed 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, Virudhunagar, 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 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 Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall report before the concerned Judicial Magistrate daily at 10.30 a.m. until further orders;

[c] the petitioner shall not tamper with the 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 was 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/09/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

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.II,
Virudhunagar.
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District at srivilliputtur.



3. The Sub Inspector of Police,
Kariapatti Police Station, Kariapatti,
Virudhunagar District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.AYYADURAI, Advocate (SR-6698[I] dated 29/09/2021)

ORDER IN
CRL OP(MD) No.10319 of 2021
Date : 28/09/2021

TR/VR/SAR-IV(04.10.2021) 4P 6C